











THE  
ACTS AND RESOLVES,  
PUBLIC AND PRIVATE,  
OF THE  
PROVINCE OF THE MASSACHUSETTS BAY:

TO WHICH ARE PREFIXED  
THE CHARTERS OF THE PROVINCE,  
WITH  
HISTORICAL AND EXPLANATORY NOTES, AND AN APPENDIX.

PUBLISHED UNDER CHAPTER 87 OF THE RESOLVES OF THE GENERAL COURT  
OF THE COMMONWEALTH FOR THE YEAR 1867.

VOLUME XI.,  
BEING VOLUME VI. OF THE APPENDIX.  
CONTAINING  
RESOLVES, ETC., 1726-1734.

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BOSTON:  
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,  
18 POST OFFICE SQUARE.  
1903.  
W.

STATE LIBRARY OF MASSACHUSETTS  
STATE HOUSE, BOSTON.  
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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1726-27.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1726-27.

THE HONORABLE WILLIAM DUMMER, ESQ., LIEUT. GOVERNOR,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

JOSIAH WILLARD, ESQ.,

SECRETARY OF THE PROVINCE.

## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

WILLIAM TAILER	}	ESQRS.
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NATHANIEL BYFIELD		
BENJAMIN LYNDE		
ADDINGTON DAVENPORT		
THOMAS HUTCHINSON		
JOHN CLARK		
SAMUEL BROWN		
THOMAS FITCH		

EDMUND QUINCY	}	ESQRS.
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PAUL DUDLEY		
SAMUEL THAXTER		
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DANIEL OLIVER		
THOMAS PALMER		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;*

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JOHN CUSHING		

JOHN OTIS	}	ESQRS.
MELETIAH BOURN		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maine;*

JOHN WHEELWRIGHT, JOSEPH HAMMOND & EDWARD HUTCHINSON, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock and Nova Scotia;*

SPENCER PHIPS, ESQ.

<sup>1</sup> See Legislative Records of the Council, xiii., 124-127.

*For the Province, at large: —*

JONATHAN BELCHER & SYMONDS EPES, ESQRS.

# REPRESENTATIVES OR DEPUTIES.

*May 25, 1726 to April 5, 1727.*

MR. WILLIAM DUDLEY, SPEAKER.

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                   Mr. Thomas Cushing.  
                   John Ballantine, Esq.  
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*Dorchester*, . . Major Thomas Tilestone.  
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*Bridgewater*, . Mr. Joseph Keith.  
*Middleboró*, . . Mr. Nathaniel Southworth.  
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*Plympton*, . . Mr. Isaac Cushman.  
*Pembroke*, . . Thomas Barker, Esq.



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*Yarmouth*, . . . Capt. Ebenezer Haws.  
*Sandwich*, . . . Ezra Bourn, Esq.  
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*Rehoboth*, . . . Mr. Jathniel Peck.  
*Little Compton*, Mr. John Church.  
*Dighton*, . . . Mr. Edward Shove.  
*Tiverton*, . . . Mr. Gershom Woodall.  
*Attleboro*, . . . Capt. Joseph Brown.

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*Dartm<sup>o</sup>*, . . . Capt. John Okin.  
*Freetown*, . . . Mr. Thomas Gage.

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*Kittery*, . . . William Pepperil, Jr., Esq.  
*Falmouth*, . . . Samuel Moody, Esq.  
*Berwick*, . . . Roger Plaisted, Esq.

DUKES COUNTY.

*Edgartown*, . . . Mr. Benjamin Smith.

IN THE COUNTY OF NANTUCKET.

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# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-FIFTH DAY OF MAY, A.D. 1726.

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## CHAPTER 1.

ORDER ALLOWING THE COUNTY TREAS<sup>r</sup> OF BARNSTABLE HIS ACCO<sup>t</sup>.

AN ACCO<sup>mt</sup> presented by Ebenezer Lewis Treasurer of the County of Barnstable for the last Year, having been presented to the Court of General Sessions of the Peace for the Said County for their Acceptance, and being allowed by the Said Court.

Read and Accepted and

*Ordered* that this Acco<sup>mt</sup> be allowed. [*Passed May 27.*]

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Legislative  
Records of the  
Council, xlii.,  
129.

House Jour-  
nal, p. 7.

## CHAPTER 2.

ORDER ALLOWING THE COUNTY TREAS<sup>r</sup> OF ESSEX HIS ACCO<sup>t</sup>.

AN ACCO<sup>mt</sup> presented by John Appleton Esq<sup>r</sup> Treasurer of y<sup>e</sup> County of Essex for the last Year, Having been laid before the Court of General Sessions of the Peace for the Said County for their Acceptance And being allowed by the Said Court.

Read and Accepted and

*Ordered* that this Acco<sup>mt</sup> be allowed.<sup>1</sup> [*Passed May 27.*]

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Legislative  
Records of the  
Council, xlii.,  
129.

House Jour-  
nal, p. 7.

## CHAPTER 3.

ORDER ALLOWING THE C<sup>o</sup> TREAS<sup>r</sup> OF HAMPSHIRE HIS ACCO<sup>t</sup>.

AN ACCO<sup>mt</sup> presented by Joseph Howley Treasurer of y<sup>e</sup> County of Hampshire for the last Year, Having been laid before the Court of General Sessions of the Peace for the Said County for their Acceptance and being Allowed by the Said Court

Read and Accepted &

*Ordered* that this Acco<sup>mt</sup> be Allowed. [*Passed May 27.*]

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Legislative  
Records of the  
Council, xlii.,  
129.

House Jour-  
nal, p. 7.

<sup>1</sup> The House Journal reads, "excepting the Article of *Twenty Shillings*, charged by the Accountant for his Trouble in passing his Account at *Boston*, which he is to Account and give Credit for in the next Account."

## CHAPTER 4.

ORDER ALLOWING THE CO TREAS<sup>R</sup> OF YORK HIS ACCO<sup>T</sup>.

Legislative  
Records of the  
Council, xiii.,  
129.

House Jour-  
nal, p. 7.

AN ACCO<sup>MT</sup> presented by Daniel Simpson Treasurer of the County of York for the last Year Having been laid before the Court of General Sessions of y<sup>e</sup> Peace for that County for their Acceptance, and being allowed by the Said Court

Read and Accepted &

*Ordered* that this Acco<sup>mt</sup> be allowed. [*Passed May 27.*]

## CHAPTER 5.

ORDER ACCEPTING THE COMMITTEES REPORT ON Y<sup>E</sup> PETITION OF Y<sup>E</sup> INHABIT<sup>TS</sup> OF Y<sup>E</sup> WEST PART OF WRENTHAM.

Legislative  
Records of the  
Council, xiii.,  
130.

House Jour-  
nal, p. 7.  
Province  
Laws, N., 688,  
chap. 309.

THE COMMITTEE appointed to repair to the Town of Wrentham and View the Said Town on the Account of a Precinct petitioned for Having in Obedience to the Order of the Hon<sup>ble</sup> the General Court been at and View'd the Said Town, and fully heard all Parties concerned. Make the following Report. Viz :

That Considering the present Circumstances of the Town of Wrentham and of those that inhabit within the Bounds of the Precinct Proposed, More especially the Unwillingness of one Half of the Familys that are there Settled, as yet to engage in So great an Affair We cannot think it Convenient at present that there Should be a Precinct made in the Town of Wrentham, Not but that the Township in our Opinion is full large Enough in Time to afford a Second Precinct or Parrish and it may be hoped in a few Years when the Western and Remote Parts of the Town are Settled with a Competent Number of Families capable and Willing, (at least a good Majority of them) to Support the Ministry, It may then be proper and Advisable to make a Precinct, the Bounds whereof to be Settled either by Agreement among themselves, or as this Court Shall Order So always as not to Streighten the Town too much, And yet to Set of a Sufficient Part of the Township for a Precinct; All which is humbly Submitted by.

PAUL DUDLEY In the Name & by Order of y<sup>e</sup> Com<sup>tee</sup>

Read &

*Ordered* that this Report be Accepted. [*Passed May 27.*]

## CHAPTER 6.

ORDER ALLOWING THE COUNTY TREAS<sup>R</sup> OF MIDDLESEX HIS ACCO<sup>T</sup>.

Legislative  
Records of the  
Council, xiii.,  
131.

House Jour-  
nal, p. 10.

AN ACCO<sup>MT</sup> presented by Daniel Russell Esq<sup>r</sup> Treasurer of the County of Middlesex for the last Year. Having been laid before the Court of General Sessions of the Peace for the Said County for their Acceptance, and Allowed by the Said Court.

Read & Accepted &

*Ordered* that this Acco<sup>t</sup> be Allowed.<sup>1</sup> [*Passed May 28.*]

<sup>1</sup> The House Journal reads, “except the Article of 26s. charged for 26 Warrants, which is not allowed, but is to be Accompted for in the next Acco<sup>mt</sup>.”

## CHAPTER 7.

VOTE FOR CELEBRATING HIS MAJ<sup>TY</sup> BIRTH DAY.

IN THE HOUSE OF REPRESENT<sup>IVES</sup> This being the happy Anniversary of his Majesties Birth Day, And the Great & General Court of this Province being now Convened.

Legislative  
Records of the  
Council, xiii.,  
132.

*Voted* that it is the Unanimous Desire of this House that the Court may Express their Loyalty and Duty to his Majesty and the Royal Family, And therefore propose the Court House as a proper Place for this Court to Express themselves on this Joyfull Occation at Three a Clock this After Noon.

House Jour-  
nal, p. 11.

In Council Read and Concur'd. [*Passed May 28.*]

## CHAPTER 8.

ORDER ON JOHN & ELIZ<sup>A</sup> MAC LELANDS PETITION, GRANTING AN APPEAL.

A PETITION of John Mac Leland and Elizabeth his Wife, Shewing that by the Direction of this Court, they brought their Action against Elizabeth Kellum &c for Redemption of a House and Land alienated by the Father & Mother of the Petitioner Elizabeth, Notwithstanding its being Under Entail. at the Inferiour Court of Common Pleas for the County of Suffolk held at Boston in January last, that the Said Court made up their Judgment thereon; From w<sup>ch</sup> the Petitioners (conceiving it to be wrong) craved Liberty to Appeal to the Next Superiour Court but were not allowed their Appeal, And therefore praying the Interposition of the Authority of this Court, either by giving final Judgment on the Said Cause or by allowing the Petitioners Appeal or by giving Such other Relief as they Shall Judge Meet.

Legislative  
Records of the  
Council, xiii.,  
133.

House Jour-  
nal, p. 14.  
Province  
Laws, x., 673,  
chap. 263.

Read and

*Ordered* that the prayer of this Petition be so far granted, That the Petitioners be allowed their Appeal to the Next Superiour Court of Judicature, And that the Justices of the Said Court be directed and Impowered to hear & Determine the Said Appeal Accordingly; Provided the Petitioners file their Reasons of Appeal as the Law directs, And give Notice to the Adverse Party at least fourteen Days before the Sitting of the Court. [*Passed May 31.*]

## CHAPTER 9.

ORDER ALLOWING THE COUNTY TREAS<sup>R</sup> OF BRISTOL HIS ACCOT.

AN ACCOMPT presented by Capt William Throop Treasurer for y<sup>e</sup> County of Bristol for the last Year, Which having been laid before The Court of General Sessions of the Peace for the Said County for their acceptance, And allowed by the Said Court

Legislative  
Records of the  
Council, xiii.,  
133.

House Jour-  
nal, p. 14.

Read & Accepted &

*Ordered* that this Accompt be Allowed. [*Passed May 31.*]

## CHAPTER 10.

RESOLVE ALLOWING PAYMENT OF THE MUSTER ROLL OF SLOOP  
GEORGE.

Legislative  
Records of the  
Council, xiii.,  
134.

House Jour-  
nal, p. 14.

A MUSTER ROLL of the Sloop George and Company David Franklyn Master, a Transport in his Majesties Service Eastward, Containing An Acco<sup>t</sup> of Wages due to the Said Master and Comp<sup>a</sup> for their Service from Novem<sup>r</sup> 14, 1725 to May 23, 1726, together with the Hire of the Sloop the Said Time, Amounting to the Sum of £225. 2.

[Read and]

*Resolved*, that the Sum of Two Hundred and Twenty five Pounds and two Shillings be allowed & paid out of the Publick Treasury to the Said David Franklyn to be by him paid to whom the Same is due in full Discharge of the Wages and Sloop Hire thereof. [*Passed May 31.*]

## CHAPTER 11.

## RESOLVE ALLOWING 31/4 TO JOS LEVET.

Legislative  
Records of the  
Council, xiii.,  
134.

House Jour-  
nal, p. 9.

AN ACCOMPT of Joseph Levet for Subsisting Soldiers belonging to Connecticut at y<sup>e</sup> Town of Suffield, Amounting to the Sum of £1. 11. 4.

[Read and]

*Resolved* that the Sum of Thirty one Shillings and four Pence be allowed and paid out of y<sup>e</sup> Puplick Treasury to M<sup>r</sup> John Burbank to be by him paid to the Said Joseph Levet in full Discharge of the within Accot. [*Passed May 31.*]

## CHAPTER 12.

## RESOLVE ALLOWING 30 TO AB: KINSBURY.

Legislative  
Records of the  
Council, xiii.,  
135.

House Jour-  
nal, p. 15.

AN ACCOMPT presented by Abigail Kinsbury, of Subsisting divers Soldiers under the Command of Capt Penhallow amounting to £1. 10.

[Read and]

*Resolved* that the Sum of Thirty Shillings be allowed and paid out of the Publick Treasury to the Accomptant Abigail Kingsbury in full Discharge thereof. [*Passed June 1.*]

## CHAPTER 13.

RESOLVE ALLOWING £16. 19. 11 TO DAN<sup>l</sup> POWNING.

Legislative  
Records of the  
Council, xiii.,  
135.

House Jour-  
nal, p. 16.

AN ACCOMPT presented by Lient Daniel Powning Keeper of the Powder House in Boston, of Disbursements for Watchmens Wages Coals Candles & other incidental Charges from June 25<sup>th</sup> 1725, to May 15, 1726 Together with the Money rec<sup>d</sup> Ball<sup>d</sup> of which due to the Said Daniel Powning amounts to y<sup>e</sup> Sum of £16. 19. 11.

Read and

*Resolved* that the Sum of Sixteen Pounds Nineteen Shillings and Eleven Pence be Allowed and paid out of the Publick Treasury to the Accomptant Daniel Powning in full Discharge of the Said Accompt, Ending this Day. [*Passed June 1.*]

## CHAPTER 14.

### RESOLVE ALLOWING £18. 15 TO BARTH: GREEN.

AN ACCOMPT presented by Bartholomew Green of the Charge of Paper & Printing of Acts, Proclamations, Treasurers Warrants from y<sup>e</sup> 23 of June 1725 to the 22<sup>d</sup> of April 1726 Amounting to the Sum of £18. 15.

Legislative  
Records of the  
Council, xiii.,  
135.

House Jour-  
nal, p. 17.

[Read and]

*Resolved* that the Sum of Eighteen Pounds And fifteen Shillings be allowed and paid out of the Publick Treasury to the Accomptant Bartholomew Green in full Discharge thereof. [*Passed June 1.*]

## CHAPTER 15.

### RESOLVE ALLOWING £42. 15 TO GREEN & KNEELAND.

AN ACCOMPT presented by Bartholomew Green and Samuel Kneeland of the Charge of Paper and Printing of the Votes of the House of Representatives for the Session in November last, Amounting to the Sum of £42. 15.

Legislative  
Records of the  
Council, xiii.,  
135.

House Jour-  
nal, pp. 16, 17.

[Read and]

*Resolved* That the Sum of Forty two Pounds and fifteen Shillings be allowed and paid out of the Publick Treasury to the Accomptants Bartholomew Green and Samuel Kneeland in full Discharge thereof. [*Passed June 1.*]

## CHAPTER 16.

### RESOLVE CONFIRMING A PLAT OF 500 ACRES OF LAND TO Y<sup>E</sup> HEIRS OF CAP<sup>T</sup> JN<sup>O</sup> PYNCHÉON.

A PLATT of Five Hundred Acres of Land protracted and Surveyed by Timothy Dwight Surveyour Pursuant to a Vote of this Court at their Session in November last on a Petition of John Ashley Esq<sup>r</sup> Administ<sup>r</sup> of the Estate and one of the Heirs of Cap: John Pyncheon dec<sup>d</sup> was presented to the Court for their Acceptance and Confirmation.

Legislative  
Records of the  
Council, xiii.,  
137.

House Jour-  
nal, p. 15.  
Province  
Laws, x., 687,  
chap. 308.

Read and Accepted &

*Resolved* that the Lands protracted & described within the Said Platt be and hereby is confirmed unto the Lawfull Heirs or Represent<sup>es</sup> of the Said Capt John Pynchon Dec<sup>d</sup> in full Satisfaction of y<sup>e</sup> Grant of Five Hundred Acres of Land made to the Said Capt John Pynchon, Anno 1666, Provided it Interfere not with any other or former Grant of this Court; nor exceed the Quantity of Five Hundred Acres. [*Passed June 1.*]

## CHAPTER 17.

## VOTE ACCEPTING THE REPORT ON HOUSATANNUCK AFFAIR.

Legislative  
Records of the  
Council, xiii.,  
138.

Legislative  
Records of the  
Council, xiii.,  
136. House  
Journal, p. 16.  
Province  
Laws, x., 189,  
chap. 82; 369,  
chap. 404.

JOHN CUSHING Esq<sup>r</sup> from the Committee of Both Houses on y<sup>e</sup> Affair of Housatannuck gave in their Report, W<sup>ch</sup> was read and Accepted in both Houses with Amendm<sup>ts</sup> And as Amended is as follows Viz:

The Committee are humbly of Opinion, That the Lands mentioned in the within Petition Shall belong to the County of Hampshire, and that His Hon<sup>r</sup> the Lieut. Governour be desired to write to the Govern<sup>r</sup> of New-York, To propose that that Governm<sup>t</sup> joyn with this in Running or Settling the Line or Boundary between the two provinces, And that in the Mean Time all prosecutions be prevented for any Rights of Land on the Borders. And that the Committee appointed for Regulating the Settling those Tracts of Land lay before this Court at their Next Session what Progress they have made in that Affair, Or Shall make within y<sup>e</sup> Time Limited in the Grant. [*Passed June 2.*]

## CHAPTER 18.

RESOLVE ALLOWING £8 TO JON<sup>n</sup> ROGERS.

Legislative  
Records of the  
Council, xiii.,  
138.

House Jour-  
nal, p. 21.

A PETITION of Jonathan Rogers of New-London in y<sup>e</sup> Colony of Connecticut Praying that he may be allow'd the Sum of Eight Pounds for Charges arisen in pursuing one John Bishop by Hue & Cry he being Charg'd with Forging and Counterfeiting Sundry Five Pound Bills in Imitation of the Five Pound Bill of this Province and other Bills.

Read [Accepted] and

*Resolved* that the Sum of Eight Pounds be Allow'd and paid out of the publick Treasury to the Petitioner Jonathan Rogers. in full Discharge of the Acco<sup>t</sup> thereto Annexed. [*Passed June 2.*]

## CHAPTER 19.

RESOLVE ALLOWING £6. 10 TO EBEN<sup>r</sup> PEMBERTON.

Legislative  
Records of the  
Council, xiii.,  
138.

House Jour-  
nal, p. 22.  
Province  
Laws, x., 364,  
chap. 234.

A MEMORIAL of M<sup>r</sup> Ebenezer Pemberton Chaplin of his Maj<sup>ty</sup> Castle William praying that Fifty Shillings per Annum may be added to his Salary, which will make the Advance proportionable to that made to the Officers of the Said Garrison upon the last Establishment and that the Sum of Six Pounds Ten Shillings may be allowed to make up the Deficiency for Two Years and an Half last past.

Read & in Answer to y<sup>e</sup> S<sup>d</sup> Petition

*Resolved* that the Sum of Six Pounds ten Shillings be allowed & paid out of the Publick Treasury to the Petitioner M<sup>r</sup> Ebenezer Pemberton in full for the Two Years and Six Months Service as Chaplin to his Majesties Garrison at Castle William as Set forth in the Petition. And that the Establishm<sup>t</sup> of the Chaplain for the Said Garrison be after the Rate of Sixty five Pounds per annum. And So to Continue during the Continuance of the last Establishment of the Pay of the Officers and Soldiers of the Said Garrison and no longer. [*Passed June 2.*]



## CHAPTER 20.

ORDER FOR Y<sup>E</sup> BOUNDS OF Y<sup>E</sup> TOWN OF KINGSTONE.

*Ordered* that the Bounds of the North Precinct in y<sup>e</sup> Town of Plimouth intended to be Erected into a Township by the Name of Kingstone Shall be as followeth, That is to Say,

Beginning at a Heap of Stones above the High Way, being y<sup>e</sup> Bounds between the Lands of John Sturtivant and the Lands which did belong to Joseph Sturtivant Dec<sup>d</sup> and from thence the Line between the two Precincts in Plimouth to Run North forty Five Degrees and an Half Easterly down to the Salt Bay And from thence on the Same Course to Duxbury Town Line And then from the first mention'd Heap of Stones South about Forty five Degrees and an Half Westerly up into the Woods to a Great Remarkable Rock commonly called Nicks Rock by the South East Side of a Cart Way And from thence on the Same Course 144 Rods to a Stone Set in the Ground and other Stones Laid about it by the North West Side of the Said Cart Way, And from thence South fifty Seven Degrees Westerly unto two Red oak Trees mark'd with Stones about them in the Line of Plimpton Township by the North West Side of the old Country Road that leads from Plimouth Town to Middleborough And the Line between Plimpton and Plimouth North Precinct North about Seven Degrees Westerly unto a Great Black Oak formerly Mark'd by the South East Side of a Road Way near the Hill called Brewers Hill, The Said Tree being a former Bound of Plimpton Township, And from thence North forty Seven Degrees and an Half Westerly about Four Hundred and Eight Rods to a Heap of Stones on a Cleft Rock, and from thence North About Five Degrees Westerly About two Hundred and Twenty Eight Rods to a long Stone Set in the Ground and other Stones laid about it About Three Rods to the Westward of the Old Cellar which was Thomas Shurtleifs, And from thence North three Degrees Westerly about a Mile and forty two Rods to the West Corner Bound of the Land which did belong unto Peter West Deceased, Being a Pine Tree mark'd by Jones's River Pond, and from thence over Said Pond North Eight Degrees Westerly unto the South Corner Bound by Jonathan Crocker And from thence betwene y<sup>e</sup> Said North Precinct and the Town of Pembroke, North about Forty Three Degrees easterly About one Hundred and Seven Rods by the Range Of the Said Crockers Land unto the North Corner of the Hundred and forty Fifth Lot, which now belongeth unto William Cook, & from thence East unto the North West Corner of Elmathan Fish, & from thence by the Range of the Said Lott being in Number y<sup>e</sup> Hundred and Twenty Seventh Lott East South East unto the North East Corner of Said Lott at the Brook Called Sign Brook, And from thence the Said Line between the Said North Precinct & y<sup>e</sup> Town of Duxbury to run on a Streight Line to the Ancient Corner Bound between the Townships of Plimouth and Duxbury being a Heap of Stones by a White Oak Tree mark'd to the Northward of the Brook call'd Mile Brook, and from thence by the Bounds between Duxbury & Plimouth until it come down to the Bay, And from thence by Duxbury Line over the Bay until it meet with the Line first Mentioned. [*Passed June 3.*<sup>1</sup>

Legislative  
Records of the  
Council, xiii.,  
139.

Legislative  
Records of the  
Council, xiii.,  
131. House  
Journal, p. 23.  
Province  
Laws, ii., 387,  
chap. 8; X., 680,  
chap. 286.

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is June 2.

## CHAPTER 21.

## RESOLVE ALLOWING 30/ TO DIAMOND SERGEANT.

Legislative  
Records of the  
Council, xiii.,  
140.

House Jour-  
nal, p. 24.

A PETITION of Diamond Sergeant Mariner praying an Allowance for his Horse press'd into the publick Service by the Sheriff of y<sup>e</sup> County of York, He being detain'd about Three Weeks.

Read and

*Resolved* that the Sum of thirty Shillings be allowed and paid out of the publick Treasury to the Petitioner Diamond Sargeant in full Discharge thereof. [*Passed June 3.*]

## CHAPTER 22.

## RESOLVE ALLOWING £30 TO JOHN GERRISH.

Legislative  
Records of the  
Council, xiii.,  
141.

House Jour-  
nal, p. 22.  
Province  
Laws, x., 729,  
chap. 437.

A PETITION of John Gerrish Gun Smith, Shewing that at the last Session of this Court he presented an Accompt of Cleaning and Mending Province Arms, Amounting to the Sum of £107. 18. 4 But the Committee who had y<sup>e</sup> Examination of the Said Accompt reported that Seventy Pounds only Should be paid to the Petitioner, Upon a Supposition (as he is Inform'd) That the Said Arms were never in the Time taken out of the Armoury, Which was a great Mistake, they having been much Used by the Soldiers Eastward and by him Cleansed and Mended with great Difficulty, and therefore praying allowance of the whole Sum of his Accompt, It being his Just Due.

Read [Accepted] and

*Resolved* that the Sum of Thirty Pounds be allowed and paid out of the publick Treasury to the Petition<sup>r</sup> Capt. John Gerrish which with what was allowed him the last Fall Session of this Court is in full Satisfaction and Discharge of his Accompt for Cleansing the Province Arms then presented. [*Passed June 3.*]

## CHAPTER 23.

## RESOLVE ALLOWING £5 TO JAMES ROSS.

Legislative  
Records of the  
Council, xiii.,  
141.

House Jour-  
nal, p. 21.

A PETITION of James Ross of Salem, Shewing that in the Year 1690 when the Fort at Casco was Attack'd and taken by the Indian Enemy the Petitioner receiv'd Several Wounds, by one of which his Collar Bone was Split and Cut off, That the Petitioner was captivated and carried to Canada where he Suffered much Pain & Trouble and was at last put to great Charge for his Redemption. Praying Some Allowance from this Court

Read [Accepted] and

*Resolved* that the Sum of Five Pounds be allowe'd and paid out of the publick Treasury to the Petitioner James Ross by Way of Stipend Annually. [*Passed June 3.*]

## CHAPTER 24.

RESOLVE ALLOWING £30 TO Y<sup>E</sup> TREAS<sup>R</sup> FOR NEGOCIATING THE INDIAN TRADE.Legislative  
Records of the  
Council, xiii.,  
141.

*Resolved* that the Sum of Thirty Pounds be allowed and paid out of the Publick Treasury to M<sup>r</sup> Treasurer Allen in full Satisfaction of his Negotiating the Indian Trade hitherto. [*Passed June 3.*]

House Jour-  
nal, p. 18.

## CHAPTER 25.

RESOLVE ALLOWING £15 TO ZECH<sup>A</sup> TRESCOT.

A PETITION of Zechariah Trescot, Shewing that he was Shot by the Indian Enemy in Several Parts of his Body as he was Riding Express in the Service of this Province to his Majesties Fort George at Brunswick the last Year By which Wounds he is render'd a Cripple, as may Appear by the Chirurgeons Certificates, praying the further Compassionate Consideration of this Court, and Such Allowance for his Relief and Support as to their Wisdom & Justice Shall Seem meet.

Legislative  
Records of the  
Council, xiii.,  
141.

Read [and accepted] and

House Jour-  
nal, p. 21.  
Province  
Laws, x., 652,  
chap. 207.

*Resolved* that y<sup>e</sup> further Sum of Fifteen Pounds be allow'd and paid out of the publick Treasury to the Said Zechariah Trescot for y<sup>e</sup> Year Ensuing after which y<sup>e</sup> Court may know how far he is Disenabled from Business and thereby be more Capable of Judging what may be Necessary for his Future Relief. [*Passed June 3.*]

## CHAPTER 26.

ORDER ON PETITION OF THE PROPRIET<sup>RS</sup> OF TAUNTON.

A PETITION of the Proprietors of the Town of Taunton, praying that they may be Allowed Some further Time for giving in their Answer to the Petition of Francis Cary and others prefer'd the last Session they having but very lately been Served with a Copy thereof.

Read &amp;

Legislative  
Records of the  
Council, xiii.,  
142. Mass.  
Archives,  
cxiii., 678.

*Ordered* that the Prayer of the Petition be granted, And that the Petitioners give in their Answer upon the first Tuesday of the next Session. [*Passed June 3.*]

Mass.  
Archives,  
cxiii., 677.  
House Jour-  
nal, p. 25.  
Province  
Laws, x., 689,  
chap. 313.

## CHAPTER 27.

RESOLVE ALLOWING PAYMENT ON COLL<sup>O</sup> ELEAZ<sup>R</sup> TYNG'S MUSTER ROLL.

A MUSTER ROLL of the Company in His Majesties Service Westward under the Command of Coll<sup>O</sup> Eleazar Tyng, Containing an Accompt of Wages due to them for their Service from Nov<sup>r</sup> 11, to Jan<sup>y</sup> 5 1725 Amounting to the Sum of £216. 12. 7 And the Subsistence of the Said Company the Said Time, Amounting to the further Sum of £113. 8.

[Read and]

Legislative  
Records of the  
Council, xiii.,  
142.House Jour-  
nal, p. 21.

*Resolved* that the Sum of One Hundred and Ninety Nine Pounds and Seven Pence be Allowed and paid out of the Publick Treasury to Coll<sup>r</sup> Elezar Tyng to be by him paid to the Officers and Soldiers born on the Within Roll And the further Sum of One Hundred and Thirteen Pounds Eight Shillings be also allowed and paid out of the Publick Treasury to Coll<sup>r</sup> Eleaz<sup>r</sup> Tyng to be by him paid to the Persons to Whom it is due for Subsisting the men born on the Roll, in full Discharge of the Wages and Subsistence thereof, Agreeable to the Report of the Committee on the Said Roll. [*Passed June 3.*]

## CHAPTER 28.

### VOTE ALLOWING ACCT<sup>s</sup> OF M<sup>r</sup> TREAS<sup>r</sup> ALLEN.

Legislative  
Records of the  
Council, xiii.,  
142.

House Jour-  
nal, pp. 13, 17.

THE ACCOMPTS of Jeremiah Allen Esq<sup>r</sup> Treasurer and Receiver General of the Province of the Massachusetts Bay in New England, beginning the Thirty first of May 1725 And continued, to the Twenty Sixth of May 1726, Amounting to the Sum of One Hundred Seventy Nine Thousand Thirty one Pounds Fourteen Shillings and four Pence Halfpenny having been presented and laid before the House of Representatives, And inspected, by Said House By which it Appears that there was out Standing y<sup>e</sup> Twenty Sixth of May 1726 Fourteen Thousand and forty Six Pounds Eight Shillings and Threepence of the Taxes, Forty Eight Thousand one Hundred and Eighty Two Pounds Sixteen Shillings of y<sup>e</sup> £50,000 Loan, Forty five Thousand five Hundred twenty Two Pounds Seven Shillings & one half Penny neet Province Bills further to be Accompted for.

[Read and]

*Voted*<sup>1</sup> that the Said Accompts in the Several Articles of Receipts, and payments therein mentioned, amounting to the Sum of Seventy one Thousand two Hundred and Eighty Pounds Three Shillings and one penny be and hereby are allowed of, And the Said Treasurer is hereby Discharged of the Said Sum of Seventy one Thousand two Hundred and Eighty one Pounds three Shillings & one Penny Accordingly. [*Passed June 3.*]

## CHAPTER 29.

### RESOLVE ALLOWING £40 TO THE MINISTER AT ARUNDEL AND BIDDEFORD.

Legislative  
Records of the  
Council, xiii.,  
145.

House Jour-  
nal, p. 27.

A PETITION of the Select Men of the Town of Arundel praying that this Court out of their wonted Goodness would please to allow Such Sum out of the publick Treasury for the Support of the Ministry in y<sup>e</sup> Towns of Arundel and Biddeford as to their Wisdom Shall Seem Meet.

Read and

*Resolved* that in Consideration of the Towns of Arundel and Biddeford being reduced to low Circumstances by reason of the late Indian War, and not having as yet been able to Settle a Minister among them, and their being Soldiers posted there, For the further Encouragement and Support of preaching the Gospel there, that the Sum of Forty Pounds

<sup>1</sup> The House Journal reads, “*Voted*, That the said Accompts in the several Articles of Receipts and Payments therein mentioned, be and hereby are allowed of, and the said Treasurer is hereby Discharged of the said Accompts accordingly.”

be allowed and paid out of the Publick Treasury to the Select Men of the Town of Arrundel for the Use of the Gentleman that performs Said Service alternately on the Lords Days at the Towns of Arrundel and Biddeford if the Weather permits. [*Passed June 7.*]

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## CHAPTER 30.

### RESOLVE ALLOWING 50/ TO NOAH PHELPS.

A MEMORIAL of Noah Phelps of Westfield praying an Allowance for his Service in coming Post from the Dutch Country to Westfield.

Read and

*Resolved* that the Sum of Fifty Shillings be allow'd and paid out of the publick Treasury to M<sup>r</sup> John Gun, and by him paid to the Said Noah Phelps in full Discharge of Said Accompt. [*Passed June 7.*]

Legislative  
Records of the  
Council, xlii.,  
145.

House Jour-  
nal, p. 24.

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## CHAPTER 31.

### ORDER ON THE PETITION OF THE INHABIT<sup>TS</sup> OF Y<sup>E</sup> TOWN OF OXFORD.

A PETITION of Ebenezer Lerner in the Name & Behalf of the Town of Oxford praying that they may be impowered to lay a Tax of Twenty Shillings upon every Thousand Aeres of Land lying and being in the Said Town of Oxford belonging to the Non Resident Proprietors for the Support of the Gosple Ministry in y<sup>e</sup> S<sup>d</sup> Town.

Read And

*Ordered* that Inhabitants of y<sup>e</sup> Town of Oxford be and hereby are Authorized and Impowered to Assess Levy and Collect Twenty Shillings for every Thousand Aeres of Land lying within the Said Town and belonging to y<sup>e</sup> Non Resid<sup>t</sup> Proprietors, And so in proportion for a Greater or Lesser Quantity for the Space of Three Years next coming to be applied to the Support of y<sup>e</sup> Ministry in y<sup>e</sup> Said Town, And the Said Land is accordingly Subjected and made liable to the payment of y<sup>e</sup> S<sup>d</sup> Tax Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed June 8.*<sup>1</sup>]

Legislative  
Records of the  
Council, xlii.,  
144.

House Jour-  
nal, pp. 23, 29.

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## CHAPTER 32.

### RESOLVE ALLOWING £50 TO HANNAH LOVEL.

A PETITION of Hannah Lovel Widow of Capt. John Lovel Dec<sup>d</sup> Shewing that the Said John Lovel in his Life time was at Considerable Cost in Raising Voluntiers for the Service against the Indians by Which Means he left his Estate much Involved & Incumber'd So that the Petitioner cannot pay the Debts without Selling the Real Estate, and therefore praying from this Court Such allowance for her Relief as to their great Goodness and Bounty Shall Seem Meet.

Read & In Answer to this Petition

*Resolved* that the Sum of Fifty Pounds be allowed & paid out of the publick Treasury to Coll<sup>o</sup> Eleazer Tyng & Capt Henry Farewell and by

Legislative  
Records of the  
Council, xlii.,  
146.

House Jour-  
nal, p. 27.  
Province  
Laws, x., 587,  
chap. 24.

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is June 7.

them to be applied for Discharging So much of the Incumbrance on y<sup>e</sup> Real Estate of the Said Capt John Lovewell dec<sup>d</sup> And is in full of any Demands on this Province for any Services done by the Said Capt Lovewell. [*Passed June 8.*]

## CHAPTER 33.

RESOLVE ALLOWING 20/ TO D<sup>r</sup> DAVIS & D<sup>r</sup> BULFINCH.

Legislative  
Records of the  
Council, xiii.,  
147.

House Jour-  
nal, p. 28.  
Province  
Laws, x., 654,  
chap. 212.

AN ACCOMPT of D<sup>r</sup> William Davis and D<sup>r</sup> Thomas Bulfinch of Medicines and Attendance on Capt: Seth Wyman by Order of the Lieut: Governour and Council, Amounting to the Sum of £6.

[Read and]

*Resolved* that the further Sum of twenty Shillings be allowed and paid out of the publick Treasury to D<sup>r</sup> William Davis and D<sup>r</sup> Thomas Bulfinch, Which with the Sum of Three Pounds formerly allowed, Making in the Whole the Sum of Four Pounds is in full Discharge of the Within Accompt. [*Passed June 8.*]

## CHAPTER 34.

VOTE FOR ALLOW<sup>ce</sup> TO Y<sup>e</sup> SPEAKER OF Y<sup>e</sup> REPRESENTATIVES.

Legislative  
Records of the  
Council, xiii.,  
147.

House Jour-  
nal, p. 23.

*Resolved* that the Speaker of the House of Representatives for the Time being Shall have Such allowances made him out of the Publick Treasury for his Extraordinary Services as Shall be agreed on and Ordered by this Court from Time to Time at the Close of each Session. [*Passed June 8.*]

## CHAPTER 35.

ORDER ON Y<sup>e</sup> PETITION OF Joses BUCKNAM &c OF NORTH CHARLES TOWN.

Legislative  
Records of the  
Council, xiii.,  
145.

House Jour-  
nal, p. 32.  
Province  
Laws, x., 726,  
chap. 424.

ON THE PETITION of Joses Bucknam Jacob Wilson and Jonathan Barrett on Behalf of the Town of Malden and that Part of the Town of Charles Town on the North Side of Mistick River, praying [annexation to Malden].

*Ordered* that the Inhabitants of Charles Town within y<sup>e</sup> Limits described in this Petition, with their Estates, And the Lands belonging to the Inhabitants of Malden within the Same Limits be Sett off from the Said Town of Charlestown and joyned to the Town of Malden to all Intents and purposes Whatsoever. Provided that the Ferry called Penny Ferry with the profits thereof remain to the Said Town of Charlestown, And that the way on the North Side lately purchased by Charlestown ly open for the Use of the Said Ferry. [*Passed June 9.*<sup>1</sup>]

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is June 7.

## CHAPTER 36.

ORDER ON THE PETITION OF JOHN YEOMANS ESQ<sup>R</sup> FOR AN APPEAL.

A PETITION of John Yeomans Esq<sup>r</sup> Administrator of y<sup>e</sup> Estate of his late Wife Elizabeth Yeomans Dec<sup>d</sup> formerly Elizabeth Shrinton Shewing that Eliz<sup>a</sup> Stoddard late Wife of Simeon Stoddard Esq<sup>r</sup> and late Widow and Executrix of Coll<sup>o</sup> Samuel Shrimpton late of Boston Dec<sup>d</sup> did by her last Will Devise unto her Granddaughter the Petitioners Intestate And unto the Heirs of her Body lawfully begotten Sundry Houses and Lands and Constituted her Said Husband Simeon Stoddard Esq<sup>r</sup> (to whom She also devised a Legacy of £500) and her Daughter in Law Elizabeth Shrimpton now Eliz<sup>a</sup> Stoddard (to whom She devised a Legacy of one Thousand Pounds) Executors of her Said Will during the Minority of her Said Granddaughter or Untill her Marriage, And to be her Guardians, during that Time, That in the Year 1713, There was an Accompt Exhibited to the Judge of Probates for the County of Suffolk of the Said Estate by the Said Executors; That in april 1720 there was exhibited by the Said Simeon Stoddard & David his Son (who. Intermarried with Elizabeth Shrimpton the other Executor) An Accompt wherein they Charge themselves with the Sum of £24,010. 2. 9 the Real Estate included & pray Allowance for the Sum of £6,318. 18. 4 And accordingly make up Acco<sup>ts</sup> with the Said Judge y<sup>e</sup> 22<sup>d</sup> of April Afores<sup>d</sup> The Petitioners Intestate being then an Infant of the Age of Eighteen Years and none to appear on her part to Examin into the Justice & Reasonableness of the Said Acco<sup>t</sup> Her Guardians being the Said Executors, That the Petitioner Some time after Intermarried with the Said Intestate, and being a Stranger to the Laws and Customs of this Province, and his Affairs Soon after calling him out of the Country, He lapsed the Time Limited by Law for Appeals, That he commenced an Action at the Common Law against the Said Executors in order to correct the Errors in their Said Accompt, But pending the Said Action the Plant<sup>f</sup> & Def<sup>t</sup> agreed to Execute Bonds of Submission for Re-Examining the Said Acc<sup>t</sup> The Arbitram<sup>t</sup> of the Referrees thereon to be final between them, and thereupon the Case was call'd out and Bonds drawn, but Elizabeth Stoddard one of the Executors refused to Sign them; So that the Petitioner is now without Remedy in the Law, and therefore praying that he may be Enabled Still to Appeal from the Sentence of the Said Judge in allowing the Said Accompt, to the Hon<sup>ble</sup> the Lieut<sup>t</sup> Governour and Council.

Read again<sup>1</sup> together with the Answer of Simeon Stoddard Esq<sup>r</sup> And the Petitioners Replication and the Same being fully Considered.

*Ordered* that the Prayer of this Petition be Granted, Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed June 9.*<sup>2</sup>

Legislative  
Records of the  
Council, xlii.,  
136, 146.  
House Jour-  
nal, pp. 18, 33.

## CHAPTER 37.

RESOLVE ALLOWING PAYMENT OF THE MUSTER ROLL OF Y<sup>E</sup> GARRISON AT CASTLE WILL<sup>M</sup>.

A MUSTER ROLL of the Garrison at his Majesties Castle William under the Command of the Hon<sup>ble</sup> William Dummer Esq<sup>r</sup> Containing an Acco<sup>t</sup>

Legislative  
Records of the  
Council, xlii.,  
147.

<sup>1</sup> On the first reading an order of notice to the adverse party was passed by both houses.

<sup>2</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is June 8.

House Jour-  
nal, pp. 31, 32.

of Wages due to them for their Service from y<sup>e</sup> 22<sup>d</sup> of November 1725 to the 22<sup>d</sup> of May 1726 Amounting to the Sum of £522. 4. 2.

[Read and Accepted and]

*Resolved* that the Sum of Five Hundred Twenty two Pounds four Shillings and Two Pence be allowed and paid out of the publick Treasury to the Officers and Soldiers born on this Roll in full Discharge thereof. [*Passed June 9.*]

## CHAPTER 38.

### RESOLVE ALLOWING PAYMENT ON LT<sup>1</sup> W<sup>m</sup> BRENTNAL MUSTER ROLL.

Legislative  
Records of the  
Council, xiii.,  
147. Mass.  
Archives, xci.,  
174.

A MUSTER ROLL of a Scout in his Majesties Service Westward under the Command of Lieut: Brentnall, Containing An Acco<sup>t</sup> of Wages due to them for their Said Service from the 17<sup>th</sup> of August to the 27<sup>th</sup> of October 1725 Amounting to the Sum of £156. 10. 3.

Mass.  
Archives, xci.,  
173. House  
Journal, p. 28.

Read and Accepted and

*Resolved* That the sum of Seventy three pounds twelve shillings and one penny be allowed and paid out of the publick Treasury to M<sup>r</sup> Joseph stevens to be by him repaid to the officers & soldiers born on the within Roll, and the persons that have subsisted them in full discharge of the Wages and subsistence thereof. [*Passed June 9.*]

## CHAPTER 39.

### RESOLVE ALLOWING PAYMENT OF CAPT. JER: MOULTON'S MUSTER ROLL.

Legislative  
Records of the  
Council, xiii.,  
149.

A MUSTER ROLL of the Company in his Majesties Service Eastw<sup>d</sup> under the Command of Capt Jeremiah Moulton, Containing an Accompt of Wages due to them for their Service from the 24<sup>th</sup> of November to the 11<sup>th</sup> of Jan<sup>y</sup> 1725 Amounting to the Sum of £124. 1. 7.

House Jour-  
nal, p. 28.

[Read and Accepted, and]

*Resolved* that the Sum of one Hundred and Twenty four Pounds one Shilling and Seven pence be allowed & paid out of the Publick Treasury to the Officers and Soldiers born on this Roll in full Discharge of the Wages thereof. [*Passed June 9.*]

## CHAPTER 40.

### RESOLVE ALLOWING PAYMENT OF LT<sup>1</sup> ALLIS<sup>ss</sup> BROWNS MUSTER ROLL.

Legislative  
Records of the  
Council, xiii.,  
149.

A MUSTER ROLL of the Company in his Majesties Service Eastward under the Command of Lieut Allison Brown, Containing an Accompt of Wages due to the Said Company for their Service from the 20<sup>th</sup> of November to y<sup>e</sup> 14 of Jan<sup>y</sup> 1725, Amounting to the Sum of £89. 10. 7.

House Jour-  
nal, p. 28.

[Read and Accepted, And]

*Resolved*, that the Sum of Eighty Nine Pounds, Ten Shillings and Seven pence be allowed & paid out of the publick Treasury to the

<sup>1</sup> The House Journal reads, "Serjeant."



Officers and Soldiers born on the within Roll to whom the Same is due in full Discharge of the Wages thereof and that Subsistence be allowed to the Rev<sup>d</sup> M<sup>r</sup> John Evelith. [*Passed June 9.*]

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## CHAPTER 41.

RESOLVE ALLOWING £18. 12 TO EDW<sup>d</sup> WINSLOW ESQ<sup>r</sup>.

AN ACCOMPT presented by Edward Winslow Esq<sup>r</sup> Sheriff of the County of Suffolk, For Sending Writts for Calling the Generall Assembly and Proclamations into the other Counties, Sending Expresses and other Services for the Province, Amounting to the Sum of £18. 14. [Read and Accepted, and]

*Resolved* that the Sum of Eighteen Pounds and Twelve Shillings be allowed and paid out of the publick Treasury to the Accomptant M<sup>r</sup> Sheriff Winslow in full Discharge of this Accompt. [*Passed June 10.*]

Legislative  
Records of the  
Council, xlii.,  
151.  
House Jour-  
nal, p. 31.

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## CHAPTER 42.

RESOLVE ALLOWING £80 TO D<sup>r</sup> GEO: JACKSON.

A PETITION of D<sup>r</sup> George Jackson of Kittery Shewing, That in the Month of July 1724, He fitted out a Vessel and enlisted a Number of Men to go out in pursuit of the Indians, And that in an Engagement with them he was much wounded having two of his Ribs broken and has been Exposed to great Pain and Expence in order to get a Cure praying an Allowance from this Court in Consideration thereof.

Read [Accepted] and

*Resolved* that the Sum of Eighty Pounds be allowed and paid out of the publick Treasury to the Petitioner Doct<sup>r</sup> George Jackson, Twenty Six Pounds part thereof in Consideration of his Charge and Care in Raising Twenty Men, and his taking up a Vessel to go in Quest of the Indian Enemy the Sum of Thirty four Pounds part thereof in Consideration of the Petitioners pain and Smart Medicines & Cure, The Residue and Remaining Sum of Twenty Pounds in Consideration of his Loss of Time Occasion'd by y<sup>e</sup> Said Wounds making in the whole the aforesaid Sum of Eighty Pounds & In answer to the Said Petition in full. [*Passed June 10.*]

Legislative  
Records of the  
Council, xlii.,  
152.  
House Jour-  
nal, p. 31.

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## CHAPTER 43.

RESOLVE GRANTING TO L<sup>t</sup> JOHN LARRABEE AN ADDITIONAL ADVANCE FOR VICTUALLING THE GARRISON AT CASTLE WILLIAM.

A PETITION of John Larrabee Victualler of the Garrison at his Majesties Castle William, Shewing that Since his last allowance from this Court, the Price of all Kinds of provisions is So much advanced, that he is like to be a great Sufferer, unless he be Relieved by Some Addition to the present Establishm<sup>t</sup> and therefore praying the Consideration of this Court and Such Order thereon as they Shall think just

Read [Accepted] and

Legislative  
Records of the  
Council, xlii.,  
152.  
House Jour-  
nal, p. 31.  
Province  
Laws, x., 592,  
chap. 40.

*Resolved* that there be allowed and paid out of the Publick Treasury after y<sup>e</sup> Rate of Six Pence per Man per Week to the Petitioner John Larrabee over and above the last Establishm<sup>t</sup> of Seven Shillings per Week from the twenty Third of November last to the Next Fall Sessions of the Court. [*Passed June 10.*]

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## CHAPTER 44.

RESOLVE ALLOWING £1 TO THOS HALLET.

Legislative  
Records of the  
Council, xiii.,  
152.

House Jour-  
nal, p. 31.

A PETITION of Thomas Hallet of Yarmouth, Shewing that he had an Indian Servant named Joseph Crook enlisted into y<sup>e</sup> Service and was [in] Capt Bourne and afterwards in Capt Jordans Company, That he received a Wound in his Knee which Cost the Petitioner fifty two Shillings & Six pence for his Cure, praying that he may be reimbursed that Sum out of the publick Treasury together with his own Necessary Charges in Travelling to and looking after his Said Servant,

Read [Accepted] and

*Resolved* that the Sum of Four Pounds be allowed and paid out of the publick Treasury to the Petitioner Thomas Hallet in Answer to the Said Petition. [*Passed June 10.*]

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## CHAPTER 45.

RESOLVE ALLOWING £10 TO CAPT WM CANADA.

Legislative  
Records of the  
Council, xiii.,  
153.

House Jour-  
nal, p. 32.

A PETITION of Capt William Canada Commander of the Block House at S<sup>t</sup> Georges River praying the Allowance of his Accompts of Disbursements for Repairs of the Said Fort Necessarys for the Garrison & Expences on divers Indians in their Travailing to Salem &c.

[Read and]

*Resolved* that the Sum of Ten Pounds be allowed and paid out of the publick Treasury to Capt William Canada in full Discharge thereof. [*Passed June 10.*]

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## CHAPTER 46.

RESOLVE ALLOWING £7. 15 TO JOS KNEELAND.

Legislative  
Records of the  
Council, xiii.,  
153.

House Jour-  
nal, p. 29.

AN ACCOMPT presented by Joseph Kneeland Mason of Work done at the Province House with Materials amounting to the Sum of £7. 15.

[Read and]

*Resolved* that the Sum of Seven Pounds and fifteen Shillings be allowed and paid out of y<sup>e</sup> Publick Treasury to the Accomptant Joseph Kneeland in full Discharge thereof. [*Passed June 10.*]

## CHAPTER 47.

RESOLVE ALLOWING £21. 6. 6 TO COLL<sup>d</sup> JN<sup>d</sup> CHANDLER.

AN ACCOUNT presented by John Chandler, of his Time & Expence in Surveying a Tract of Province Land lying between Oxford Brookfield Brimfield &c, by Order of the Govern<sup>t</sup> Amounting to y<sup>e</sup> Sum of £21. 6. 6.

[Read and]

*Resolved* that the Sum of twenty one Pounds Six Shillings and Six Pence be allowed and paid out of the Publick Treasury to Major John Chandler to be by him paid to the Accomptant John Chandler Esq<sup>r</sup> in full Discharge of taking the Survey Except Twenty Shillings paid to the Accomptant by the Inhabitants of Brimfield. [*Passed June 10.*]

Legislative  
Records of the  
Council, xiii.,  
153.

House Jour-  
nal, p. 31.  
Province  
Laws, x., 580,  
chap. 11.

## CHAPTER 48.

## VOTE ON FRAMINGHAM AFFAIR IN REGARD TO LOCATION OF MEETING HOUSE.

SEVERAL PETITIONS from the Inhabitants of Framingham Respecting the placing of their Meeting House, and a Petition of Joseph Buckmister Esq<sup>r</sup> Setting forth that the Place assigned by the Committee for the Church is upon his Land, And therefore praying that Some other place may be Assign'd for Setting up the Said Church.

[Read and]

*Voted* that the Order of this Court at their last Session relating to the Land for the Erecting the Meeting House in Framingham upon be and hereby is declared to be Null and Void and of no Force, And neither of the Contending Parties in that Town Shall take any Advantage by the Said Vote. [*Passed June 11.*]<sup>1</sup>

Legislative  
Records of the  
Council, xiii.,  
149.

Legislative  
Records of the  
Council, xiii.,  
62, 71. House  
Journal, p. 37.  
Province  
Laws, x., 728,  
chap. 432.

## CHAPTER 49.

## ORDER GRANTING MARTHA WALTERS PETITION FOR ANNEXATION OF A FARM TO SUTTON.

A PETITION of Martha Walters Widow of Richard Walters<sup>2</sup> late dec<sup>d</sup> Richard Walters and Samuel Walters two of y<sup>e</sup> Children of The first named Richard Walters and all Executors of his last Will and Testament in Behalf of themselves, and the Other Children of y<sup>e</sup> Said Richard Walters, Shewing that Whereas this Court were pleased to Order That the Farm the Petitioners Testator bought of the Hon<sup>ble</sup> Collo<sup>d</sup> Tailer Should be laid out to the Town of Oxford and so to Continue for Three Years, Which Term is now elapsed, they have found much Inconvenience in being Set off to the Said Town of Oxford and therefore praying that as the Said Farm does not now belong to any Town It may be annexed to and accounted as part of the Town of Sutton.

Read and

Legislative  
Records of the  
Council, xiii.,  
154.

House Jour-  
nal, p. 32.  
Province  
Laws, x., 318,  
chap. 82.

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council, the date is June 9.

<sup>2</sup> Written "Waters" previously. See Province Laws, x., 318, chap. 82.

*Ordered* that the Prayer of this Petition be Granted, And that the Said Farm together with y<sup>e</sup> Inhabitants thereon be and hereby are annexed to the Town of Sutton to do Duty therein and Enjoy Equal Priviledges with the other Inhabitants of the Said Town of Sutton. [*Passed June 11.*]

## CHAPTER 50.

## RESOLVE ALLOWING £13. 15 TO NOAH JOHNSON.

Legislative  
Records of the  
Council, xiii.,  
155.

House Jour-  
nal, p. 36.  
Province  
Laws, x., 656,  
chap. 220.

A PETITION of Noah Johnson of Dunstable one of the Soldiers that was wounded at Pigwacket the last Year, whereby he has lost the Use of his Hands and has been at very considerable Charge for curing his Said Wounds Since his last Allowance from this Court. And therefore praying the further Compassionate Consideration of this Court for his Relief.

Read [and Accepted] and

*Resolved* that the Sum of The Sum of <sup>1</sup> Thirteen Pounds fifteen Shillings <sup>2</sup> be allowed and paid out of the publick Treasury to the Petitioner Noah Johnson Three pounds fifteen and Six Pence to Discharge the Doctors Bill and Ten Pounds in Consideration of his pain and loss of Time Ocation'd by his Wounds, which break out again and are now open. [*Passed June 13.*]

## CHAPTER 51.

## RESOLVE ALLOWING PAYMENT OF CAPT: JOSIAH WILLARDS MUSTER ROLL.

Legislative  
Records of the  
Council, xiii.,  
156.

House Jour-  
nal, p. 21.

A MUSTER ROLL of the Company in his Majesties Service Westward under the Command of Capt Josiah Willard containing an Acco<sup>t</sup> of Wages due to them for their Service from Nov<sup>r</sup> 11 to Jan<sup>y</sup> 4, 1725 together with their Subsistance the Said Time amounting to y<sup>e</sup> Sum of £171. 3. 5.

[Read and]

*Resolved* that the Sum of one Hundred Seventy one Pounds three Shillings and five pence be allowed and paid out of the Publick Treasury to the Officers & Soldiers born on the Within Roll and the persons that have Subsisted them in full Discharge of the Wages and Subsistance thereof. [*Passed June 13.*]

## CHAPTER 52.

## RESOLVE ALLOWING PAYMENT OF CAPT. JOHN GYLES MUSTER ROLL, FORT GEORGE.

Legislative  
Records of the  
Council, xiii.,  
156.

House Jour-  
nal, p. 38.

A MUSTER ROLL of the Garrison at his Majesties Fort George at Brunswick under the Command of Capt: John Gyles, containing an Acco<sup>t</sup> of Wages due to them for their Service from y<sup>e</sup> 4<sup>th</sup> of Nov<sup>r</sup> to y<sup>e</sup> 13<sup>th</sup> of January 1725 Amounting to the Sum of £71. 9. 3.

[Read and Accepted, and]

<sup>1</sup> *Sic.*

<sup>2</sup> The House Journal reads, £13. 15. 6.

*Resolved* that the Sum of Seventy one Pounds, Nine Shillings and Three pence be allowed and paid out of the publick Treasury to the Officers and Soldiers born on this Roll in full Discharge thereof. [*Passed June 13.*]

### CHAPTER 53.

RESOLVE ALLOWING PAYMENT OF CAPT. JOHN GYLES MUSTER ROLL,  
S<sup>T</sup> GEORGES RIVER.

A MUSTER ROLL of the Garrison in his Majesties Service at y<sup>e</sup> Block House on S<sup>t</sup> Georges River under the Command of Capt. John Gyles containing an Acco<sup>t</sup> of Wages due to them for their Service from the 14<sup>th</sup> of Jan<sup>ry</sup> 1725 to June 9<sup>th</sup> 1726 Amounting to the Sum of £162. 3. 1.

Legislative  
Records of the  
Council, xiii.,  
156.

House Jour-  
nal, p. 38.

[Read and Accepted, and]

*Resolved* that y<sup>e</sup> Sum of one Hundred Sixty Two Pounds Three Shillings and one Penny be allowed and paid out of the publick Treasury to y<sup>e</sup> Officers and Soldiers born on the Within Roll to whom the Same is respectively due in full discharge of the Wages thereof. [*Passed June 13.*]

### CHAPTER 54.

RESOLVE ALLOWING £13. 7. 7 TO CAP: JOHN GYLES.

AN ACCO<sup>MT</sup> presented by Capt John Gyles of Disbursements at Fort George for Cord Wood, Mending of Gun Carriages & Expences on divers penobscot Indians, amounting to y<sup>e</sup> Sum of £13. 08. 7.

Legislative  
Records of the  
Council, xiii.,  
156.

House Jour-  
nal, p. 38.

[Read and Accepted, and]

*Resolved* that the Sum of Thirteen Pounds Seven Shillings and Seven pence be allowed and paid out of the publick Treasury to the Said Capt John Gyles in full Discharge thereof. [*Passed June 13.*]

### CHAPTER 55.

RESOLVE ALLOWING £181. 16. 2 TO L<sup>T</sup> JOHN LARRABEE AND GRANTING HIM AN ADVANCE OF £200.

AN ACCO<sup>MT</sup> presented by L<sup>t</sup> John Larrabee Of Victualling y<sup>e</sup> Garrison at his Majesties Castle William from the 22<sup>d</sup> of Novemb<sup>r</sup> 1725, to y<sup>e</sup> 22 of May 1726, Ballance whereof in his Favour is £181. 16. 2.

Legislative  
Records of the  
Council, xiii.,  
157.

House Jour-  
nal, p. 35.  
*Ante*, p. 21,  
chap. 43.

Read and Accepted and

*Resolved* that M<sup>r</sup> Treasurer Allen be directed to pay the Sum of One Hundred Eighty one Pounds Sixteen Shillings and two pence out of the publick Treasury to the Accountant Lieut John Larrabee, being the Ballance of this Acco<sup>MT</sup>. And further to Enable the Said John Larrabee to Victual the Garrison at his Majesties Castle William according to the last Establishment. It is

*Resolved* that M<sup>r</sup> Treasurer Allen be and hereby is directed to pay and Advance to Lieut. John Larrabee the Sum of Two Hundred Pounds for Victualling the Said Garrison according to the Said Establishment, Taking Security from him for the true and faithfull performance thereof. [*Passed June 13.*]

## CHAPTER 56.

## RESOLVE ALLOWING £8 TO MARY ARMSTRONG.

Legislative  
Records of the  
Council, xiii.,  
157.

House Jour-  
nal, p. 39.

A PETITION of Mary Armstrong Widow, Shewing that Lieut James Armstrong while in the Service at S<sup>t</sup> Georges River obtained a Furlow to go to Boston in Order to get Cured of an Indisposition, and at the Expiration of his Furlow return'd to his Duty, though then Sick, of W<sup>ch</sup> Sickness he died; that his Wages were Struck off for the Time of his Absence, and praying that he may be allowed the Said Wages & What also for the Relief of her Self and her four Small Children this Court in their great Goodness Shall Judge Meet.

Read and

*Resolved*, that in Answer to this Petition, the Sum of Eight Pounds be allowed & paid out of the publick Treasury to the Petitioner Mary Armstrong in Consideration of So much formerly detained from her late Husband James Armstrong for his Wages. [*Passed June 13.*]

## CHAPTER 57.

RESOLVE ALLOWING PAYMENT ON THE MUSTER ROLL OF Y<sup>e</sup> GARRISON AT FORT GEORGE & MAQUOIT.

Legislative  
Records of the  
Council, xiii.,  
157.

House Jour-  
nal, p. 38.

A MUSTER ROLL of the Garrison at his Majesties Fort George at Brunswick under the Command of Capt. William Woodside. Contain- ing an Accot of Wages due to them for their Service from Nov<sup>r</sup> 10, 1725 to June 8, 1726, Amounting to the Sum of £151. 15. 2 together w<sup>th</sup> the Wages due to the Garrison at Maquoit under y<sup>e</sup> Command of Ensign James Woodside from Nov<sup>r</sup> 23, 1725 to June 8<sup>th</sup> 1726 Amount- ing to the further Sum of £77. 0. 10.

[Read and Accepted, and]

*Resolved* that the Sum of Two Hundred and Twenty One Pounds thirteen Shillings and one penny be allowed and paid Out of the pub- lick Treasury to y<sup>e</sup> Officers and Soldiers born on the Within Roll to whom the Same is due in full Discharge of the Wages thereof. [*Passed June 13.*]

## CHAPTER 58.

## RESOLVE ALLOWING 32 TO JA: WOODSIDE.

Legislative  
Records of the  
Council, xiii.,  
158.

House Jour-  
nal, p. 38.  
*Infra*, chap. 59.

AN ACCOMPT of Ensign James Woodside of Whale Boat Oars pro- vided and Expençe in mending Whale Boats, Amounting to y<sup>e</sup> Sum of £1. 12.

[Read, and Accepted, and]

*Resolved*, that the Sum of Thirty two Shillings be allowed and paid out of the publick Treasury to y<sup>e</sup> Accomptant James Woodside in full Discharge thereof. [*Passed June 13.*]

## CHAPTER 59.

RESOLVE ALLOWING £4. 4 TO JA: WOODSIDE, 2<sup>d</sup> ACCO<sup>T</sup>.

AN ACCO<sup>MT</sup> presented by Ens: James<sup>1</sup> Woodside of Cord Wood by him Supplied the Garrison at Brunswick, Amounting to y<sup>e</sup> Sum of £4. 4.

Legislative  
Records of the  
Council, xiii.,  
158.

House Jour-  
nal, p. 38.  
*Supra*, chap.  
58.

[Read and Accepted, and]

*Resolved*, That the Sum of four Pounds four Shillings be allowed and paid out of the publick Treasury to the Said James<sup>1</sup> Woodside in full Discharge thereof. [*Passed June 13.*]

## CHAPTER 60.

RESOLVE ALLOWING £27. 17. 6 TO ROBERT AUKMUTY ESQ<sup>RE</sup>.

A PETITION of Robert Aukmuty Esq<sup>r</sup> praying that this Court wou<sup>d</sup> reimburse him y<sup>e</sup> Charges he has been at in the prosecution of Capt. Adijah Doway (for false Musters) by Order of the Govern<sup>t</sup> & make him Such allowance for his Pains and Service therein as they Shall Judge Meet.

Legislative  
Records of the  
Council, xiii.,  
158.

House Jour-  
nal, pp. 38, 39.  
Province  
Laws, x., 593,  
chap. 45.

Read & in answer to this Memorial

*Resolved* that the Sum of Twenty Seven Pounds Seventeen Shillings and Six pence be allowed and paid out of the publick Treasury to the Said Robert Aukmuty Esq<sup>r</sup> and by him repaid to y<sup>e</sup> Persons to whom the Same is respectively due to Discharge y<sup>e</sup> Bill of Costs within mentioned, & to pay the Witnesses Summoned by the Memorialist and to Satisfie him for his Service. [*Passed June 13.*]

## CHAPTER 61.

RESOLVE CONFIRMING A PLAT OF 100 ACRES OF LAND TO JOHN KENT.

A PLAN of one Hundred Acres of Land lying on y<sup>e</sup> South Side of Stony Brook in Suffield protracted and Surveyed by a Surveyour and Chain Men under Oath to Satisfie a Grant made to M<sup>r</sup> John Kent by this Court for the Considerations therein Mention'd was presented for Confirmation.

Legislative  
Records of the  
Council, xiii.,  
158.

House Jour-  
nal, p. 39.  
Province  
Laws, x., 667,  
chap. 253.

Read & Accepted &

*Resolved* that y<sup>e</sup> Land protracted and Described be and hereby is Confirmed unto the Said John Kent his Heirs and Assignes forever, Provided it does not Contain more than one Hundred Acres nor does not interfere on any former Grant. [*Passed June 13.*]

<sup>1</sup> The House Journal reads, "William.

## CHAPTER 62.

## ORDER ON CHELMSFORD PETITION, ANNEXING WEMASSET.

Legislative  
Records of the  
Council, xiii.,  
159.

House Jour-  
nal, p. 36.

A PETITION of the Select Men of the Town of Clemsford<sup>1</sup> in Behalf of y<sup>e</sup> Said Town, Praying that a certain Tract of Land called Wemasset, with the Inhabitants thereon may be annexed to Clemsford,<sup>1</sup> & be Subjected to pay all Rates and Taxes there as other Inhabitants.

Read &

*Ordered* that the Prayer of the Petition be so far granted, That the Tract of Land called Wamaset & y<sup>e</sup> Inhabitants thereon be & hereby are Annexed to & accompted as part of y<sup>e</sup> Town of Clemsford.<sup>1</sup> [*Passed June 13.*]

## CHAPTER 63.

RESOLVE ALLOWING £23. 10 TO D<sup>r</sup> JOS PEIRCE.

Legislative  
Records of the  
Council, xiii.,  
159.

House Jour-  
nal, p. 31.

AN ACCOUNT presented by D<sup>r</sup> Joseph Peirce Of the Care of Elea : Davis one of the Soldiers under Capt John Lovell wounded by the Indians at Pigwaket. Amounting to the Sum of £23. 10.

[*Read and Accepted.* and]

*Resolved* that the Sum of Twenty Three Pounds ten Shillings be allowed and paid out of the publick Treasury to the Accomptant D<sup>r</sup> Joseph Peirce in full Discharge thereof. [*Passed June 13.*]

## CHAPTER 64.

## RESOLVE ALLOWING £5. 11. 5 TO CAPT JOHN GYLES.

Legislative  
Records of the  
Council, xiii.,  
159.

House Jour-  
nal, p. 38.

A MEMORIAL of Capt. John Gyles praying Some Consideration and Allowance from this Court for his Extraordinary Service in Interpreting and Managing other Transactions with y<sup>e</sup> Indians by Order of y<sup>e</sup> Governm<sup>t</sup> And that he may have a Yearly Allowance as Interpreter

Read [*and Accepted*] and

*Resolved* that y<sup>e</sup> Sum of Five Pounds Eleven Shillings and five pence be allowed and paid out of the publick Treasury to the Memorialist Capt John Gyles for his Extraordinary Service as Interpreter &c at S<sup>t</sup> Georges River being after y<sup>e</sup> Rate of Forty Shillings per Month. [*Passed June 13.*]

## CHAPTER 65.

RESOLVE ON INDENT OF STORES FOR CASTLE W<sup>m</sup>.

Legislative  
Records of the  
Council, xiii.,  
161.

House Jour-  
nal, p. 36.

AN INDENT presented by William Barnslade Master Gunner of his Maj<sup>ty</sup>s Castle William of Sundry Stores necessary at S<sup>d</sup> Castle.

[*Read and*]

*Resolved*, that M<sup>r</sup> Treasurer be Directed to Supply the Stores for y<sup>e</sup> Said Garrison according to the Within Indent. [*Passed June 14.*]

<sup>1</sup> The House Journal reads, "Chelmsford."



## CHAPTER 66.

RESOLVE ALLOWING £13. 10 TO JOHN SMITH & £12 TO SAM<sup>LL</sup> BARNARD.

A MUSTER ROLL of the Scout or Guard in his Majesties Service in the Town of Hadley, [Province Laws, x., 669, chap. 260].

[Read and]

*Resolved* that the Sum of Twenty five Pounds ten Shillings be allowed and paid out of the publick Treasury to Eleazer Porter Esq<sup>r</sup>, Thirteen Pounds ten Shillings part thereof to be by him paid to John Smith, and the Remaining part to Samuel Barnard Jun<sup>r</sup> in full for their Wages & Subsistence for the Time they were born on the within Roll of Capt Samuel Barnard. [*Passed June 14.*]

Legislative  
Records of the  
Council, xiii.,  
161.

House Jour-  
nal, p. 36.  
Province  
Laws, x., 669,  
chap. 260.

## CHAPTER 67.

RESOLVE ALLOWING £15. 13. 10 TO SHER: WINSLOW'S ACCO<sup>T</sup>.

AN ACCOMPT presented by Edward Winslow Esq<sup>r</sup> Sheriff of y<sup>e</sup> County of Suffolk, of Expences for Celebrating his Majesties Birth Day in the Court House, Amounting to the Sum of £15. 13. 10.

[Read and]

*Resolved* that the Sum of Fifteen Pounds thirteen Shillings and ten pence, be allowed and paid out of the publick Treasury to the Accomptant Edward Winslow Esq<sup>r</sup> in full Discharge of the Said Accompt. [*Passed June 14.*]

Legislative  
Records of the  
Council, xiii.,  
162.

House Jour-  
nal, p. 29.  
*Ante*, p. 3,  
chap. 7.

## CHAPTER 68.

RESOLVE ALLOWING PAYMENT ON THE MUSTER ROLL OF Y<sup>E</sup> GARRISON AT FORT DUMMER.

A MUSTER ROLL of the Garrison in his Majesties Service at Fort Dummer under the Command of Capt Timothy Dwight containing an Accompt of Wages due to them for their Service from Dec<sup>r</sup> 1, 1725, to May 31, 1726, Amounting to the Sum of £299. 9. 10 together with their Subsistence y<sup>e</sup> Said Time, Amounting to the further Sum of £159. 13. 11.

[Read and Accepted, and]

*Resolved* that the Sum of four Hundred and Nine Pounds three Shillings and Nine pence be allowed and paid out of the publick Treasury to Elezer Porter Esq<sup>r</sup> to be by him paid to Capt Timothy Dwight & by him to be repaid to the Officers and Soldiers born on the Within Roll and the person or persons that have Subsisted them in full Discharge of the Wages and Subsistence thereof, Agreeable to the Committeees Report thereon. [*Passed June 14.*]

Legislative  
Records of the  
Council, xiii.,  
162.

House Jour-  
nal, p. 23.

## CHAPTER 69.

RESOLVE ALLOWING PAYMENT ON THE MUSTER ROLL OF Y<sup>E</sup> GARRISON AT S<sup>T</sup> GEORGES RIVER.

Legislative  
Records of the  
Council, xiii.,  
162.

House Jour-  
nal, p. 21.

A MUSTER ROLL of the Garrison in his Majesties Service at y<sup>e</sup> Block House on S<sup>t</sup> Georges River, under the Command of Capt William Canada, Containing an Acco<sup>t</sup> of Wages due to them for their Service from Nov<sup>r</sup> 23, 1725, to April 14, 1726, Amounting to y<sup>e</sup> Sum of £256. 15. 6.

[Read and Accepted, and]

*Resolved* that the Sum of Two Hundred Thirty Nine Pounds ten Shillings be allowed and paid out of the publick Treasury to y<sup>e</sup> Officers and Soldiers born on the within Roll to whom it is respectively due in full Discharge of the Wages thereof. [*Passed June 14.*]

## CHAPTER 70.

## RESOLVE ALLOWING £43. 10 TO JOS BANE.

Legislative  
Records of the  
Council, xiii.,  
162.

Legislative  
Records of the  
Council, xii.,  
421. House  
Journal, p. 38.

AN ACCO<sup>UNT</sup> presented by L<sup>t</sup> Joseph Bane of Wages due to him for his Service in the Eastern Parts as Interpreter &c from Nov<sup>r</sup> 21, 1725 to June 11, 1726, Amounting to y<sup>e</sup> Sum of £43. 10.

[Read and Accepted, and]

*Resolved* that the Sum of Forty three Pounds ten Shillings be allowed and paid out of the publick Treasury to the Accomptant Joseph Bane in full Discharge thereof. [*Passed June 14.*]

## CHAPTER 71.

RESOLVE ALLOWING 10/ 6 TO RICH<sup>D</sup> DOWEL.

Legislative  
Records of the  
Council, xiii.,  
162.

AN ACCO<sup>UNT</sup> presented by Richard Dowell of Ferryage of Expresses, Man and Horse over Newbury Ferry from y<sup>e</sup> 21<sup>st</sup> of August 1723 to the 21 of May 1726, Amounting to the Sum of £0. 10. 6.

[Read and]

*Resolved* that the Sum of Ten Shillings & Six pence be allowed and paid out of the publick Treas<sup>ry</sup> to Lient: Coll<sup>l</sup> Richard Kent, and be by him repaid to y<sup>e</sup> Accompt<sup>t</sup> Richard Dowell in full Discharge thereof.<sup>1</sup> [*Passed June 14.*]

## CHAPTER 72.

RESOLVE ALLOWING £24. 6 TO D<sup>R</sup> GEORGE PEMBERTON.

Legislative  
Records of the  
Council, xiii.,  
164.

House Jour-  
nal, p. 28.

AN ACCO<sup>UNT</sup> presented by D<sup>r</sup> George Pemberton of Medicines and Attendance on the Garrison at his Majesties Castle William from October. 27, 1725 to may 6, 1726 Amounting to the Sum of £24. 6.

[Read and]

*Resolved* that the Sum of Twenty four Pounds Six Shillings be allowed and paid out of the publick Treasury to the Accomptant D<sup>r</sup> George Pemberton in full Discharge thereof. [*Passed June 14.*]

<sup>1</sup> Not found in the House Journal.

## CHAPTER 73.

RESOLVE ALLOWING PAYMENT OF THE MUSTER ROLL OF SLOOP MERRY  
MEETING CAPT: THO<sup>s</sup> SANDERS.

A MUSTER ROLL of the Sloop Merry Meeting Capt Thomas Sanders Master (a Transport in his Majesties Service Eastward) Containing an Acco<sup>t</sup> of Wages due to y<sup>e</sup> Said Master and Company for their Service from Nov 27, 1725, to June 10, 1726, together with the Hire of the Said Sloop the Said Time, Amounting to the Sum of £280.

Legislative  
Records of the  
Council, xiii.,  
164.

House Jour-  
nal, p. 42.

[Read and Accepted, and]

*Resolved* that the Sum of Two Hundred and Eighty Pounds be allowed and paid out of y<sup>e</sup> publick Treasury to the Said Thomas Sanders in full for the Wages and Sloop Hire of y<sup>e</sup> Said Sloop and to Discharge the Said Roll. [*Passed June 14.*]

## CHAPTER 74.

ORDER ON CAPT JN<sup>o</sup> GYLES'S PETITION IN REGARD TO AN APPEAL.

A PETITION of Capt John Gyles of S<sup>t</sup> Georges, praying that he may be allowed to Review an Action (Originally brought by him against John Goddard of Roxbury) at the Next Superiour Court to be held at York for the County of York, The Petitioner being call'd out by Default at the last Superiour Court held there, for that he was Obliged to Attend his Majesties Service at S<sup>t</sup> Georges and his Attorney M<sup>r</sup> Waldron Sent by the Governm<sup>t</sup> of New Hampshire to Penny Cook

Legislative  
Records of the  
Council, xiii.,  
154, 160.

House Jour-  
nal, pp. 47, 48.

[Read and]

*Ordered* that the Justices of the Superiour Court of Judicature be Impowered and Directed at their Next Session to be holden at York for the County of York to hear and Determine y<sup>e</sup> Appeal of John Goddard refer'd to in this Petition, and that in Case of y<sup>e</sup> Said Goddard's failing to prosecute his Appeal & y<sup>e</sup> Petitioners filing his Complaint the Said Justices are to proceed according to the Directions of the Law in Cases where y<sup>e</sup> Appell<sup>s</sup> fail to prosecute their Appeal, Provided the Petitioner Serve y<sup>e</sup> Adverse Party With a Copy of this Order at least thirty Days before y<sup>e</sup> Sitting of the S<sup>d</sup> Court, The Petitioner to pay the Costs of the last Superiour Court, the other Costs to follow the final Event of the Said Action; Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed June 15.*<sup>1</sup>]

## CHAPTER 75.

## RESOLVE FOR PROVIDING GOODS WANTING FOR THE INDIAN TRADE.

AN ESTIMATE of Sundrys wanted at S<sup>t</sup> Georges, According to M<sup>r</sup> Mountforth Acco<sup>t</sup> Amounting to y<sup>e</sup> Sum of £840 And of Sund<sup>rs</sup> Wanted at Richmond Fort, According to Capt Heath's Acco<sup>t</sup> Amounting to y<sup>e</sup> Sum of £240 for y<sup>e</sup> Indian Trade, presented by M<sup>r</sup> Treas<sup>r</sup> Allen.

Legislative  
Records of the  
Council, xiii.,  
164.

House Jour-  
nal, p. 44.  
Province  
Laws, x., 707,  
chap. 267; 745,  
chap. 481.

[Read and]

*Resolved* that M<sup>r</sup> Treasurer be and hereby is Ordered and Directed to Advance out of the Treasury The Sum of One Thousand and Eighty

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is June 14.

Pounds, and Invest the Same in Such Goods and in Such Proportion as is within Express'd And the Said Goods be forthwith put on Board the Sloop Merry Meeting Thomas Sanders Master, & Consign'd to Mess<sup>rs</sup> Edmund Mountforth and Joseph Heath on the Acco<sup>t</sup> of this Province, That the Treasurer give them the Same Orders and Instructions for the Sale of the Said Goods to the Indians, Which were given to them for the Sale of y<sup>e</sup> Goods before Sent them and that M<sup>r</sup> Treasurer be also Ordered & further Directed to reimburse. To reimburse<sup>1</sup> the Treasury the Sum Advanced As Soon as the proceeds of the Goods he now has or Shall have from y<sup>e</sup> Truck Masters Eastw<sup>d</sup> can be Converted into Bills. [*Passed June 15.*]

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## CHAPTER 76.

RESOLVE ALLOWING £36. 12 TO LUKE VARDY.

Legislative  
Records of the  
Council, xiii.,  
165.

House Jour-  
nal, p. 46.

AN ACCOMPT presented by Luke Vardy Tavern keeper of y<sup>e</sup> Charge of Dining his Honour the Lieut: Govern<sup>r</sup> and y<sup>e</sup> Council &<sup>1</sup> on y<sup>e</sup> 25<sup>th</sup> of May last, being the Day for y<sup>e</sup> Election of Councillors amounting to the Sum of £41. 12.

[Read and]

*Resolved* that the Sum of Thirty Six Pounds Twelve Shillings be allowed and paid out of y<sup>e</sup> publick Treasury to y<sup>e</sup> Accompt<sup>t</sup> Luke Vardy in full Discharge thereof. [*Passed June 15.*]

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## CHAPTER 77.

RESOLVE ALLOWING £4. 13. 6 TO JOHN DORRELL.

Legislative  
Records of the  
Council, xiii.,  
165.

House Jour-  
nal, p. 46.

A MEMORIAL of John Dorrell Deputy Sheriff praying allowance of Cash paid to Drummers for Beating at the Time of publishing of y<sup>e</sup> Acts of y<sup>e</sup> General Assembly, as also for his own Service in publishing them Amounting to the Sum of £7. 13. 6.

Read &

*Resolved* that y<sup>e</sup> Sum of Four Pounds thirteen Shillings and Sixpence be allowed & paid out of y<sup>e</sup> Publick Treasury to y<sup>e</sup> Accompt<sup>t</sup> John Dorrell In full Discharge thereof. [*Passed June 15.*]

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## CHAPTER 78.

RESOLVE ALLOWING £5. 18. 8 TO CAPT RICH<sup>d</sup> BOURN.

Legislative  
Records of the  
Council, xiii.,  
165.

House Jour-  
nal, p. 46.

AN ACCOMPT presented by Capt: Richard Bourn of his Charges on Divers Witnesses Ordered by the Justices of the Superiour Court to be Conveyed to York & to appear at y<sup>e</sup> Trial of an Indian for Murther Amounting to the Sum of £5. 18. 8.

[Read and Accepted, and]

*Resolved* that y<sup>e</sup> Sum of Five Pounds Eighteen Shillings and Eightpence<sup>2</sup> be allowed & paid out of y<sup>e</sup> Publick Treasury to the Accompt<sup>t</sup> Capt Rich<sup>d</sup> Bourn in full Discharge thereof. [*Passed June 15.*]

<sup>1</sup> *Sic.*

<sup>2</sup> The House Journal reads, £5. 18.

## CHAPTER 79.

RESOLVE ALLOWING £35. 18 TO DAVID MELVIL.

A MEMORIAL of David Melvil Goal Keeper in Boston, Praying Allowance of his Disbursements in keeping divers Indian Prisoners as also Charges of the Sickness and on the Burial of Several of them who Sickned and died in his Custody, Amounting to y<sup>e</sup> Sum of £38. 13. 6.

[Read and Accepted, and]

*Resolved* that the Sum of Thirty five Pounds Eighteen Shillings be allowed & paid out of y<sup>e</sup> publick Treasury to y<sup>e</sup> Accomptant David Melvil in full Discharge thereof. [*Passed June 15.*]

Legislative  
Records of the  
Council, xiii.,  
166.

House Jour-  
nal, p. 46.

## CHAPTER 80.

ORDER FOR A COMTEE ON YE PETITIONS OF DUXBURY & MARSHFIELD  
WITH A REFERENCE TO NEXT FALL SESSION.

A PETITION of Sundry Inhabitants of the Town of Duxbury in y<sup>e</sup> County of Plimouth, Praying that the South Part of Marshfield & Duxbury may be Erected into one Parrish or all of Duxbury excepting ten or Twelve Families next to Jones's River

A Petition of the Inhabitants of the middle & other parts of y<sup>e</sup> Town of Marshfield, praying that the Inhabitants lying to y<sup>e</sup> Southw<sup>d</sup> of the South River in Said Town may be annexed & Joyned into one Parrish with the Southerly Part of Duxbury:

In the House of Representatives, In Answer to y<sup>e</sup> two Petitions of Sundry of y<sup>e</sup> Inhabit<sup>ts</sup> of Duxbury and Marshfield.

*Ordered* that the Said Petitions be referr'd to y<sup>e</sup> Next Fall Sessions of this Court, And in the Mean Time, That Major Quincy M<sup>r</sup> Bourn & M<sup>r</sup> White with Such as the Hon<sup>ble</sup> Board Shall appoint be a Committee to repair to the Towns of Duxbury and Marshfield, giving Seasonable Notice to those Towns of their Comming, That they View & Consider the Scitnation & Circumstances of those Towns & hear the Pleas & Allegations that may be Offered on both Sides, That they make Report of their Oppinion What may be proper for y<sup>e</sup> Court to do in Answer thereto, The Charge to be born by the Petitioners, & in the mean Time y<sup>e</sup> Northerly part of y<sup>e</sup> Town of Marshfield desist from building a House for y<sup>e</sup> Publick Worship of God.

In Council Read and Concur'd, And the Hon<sup>ble</sup> William Tailor Esq<sup>r</sup> & Spencer Phips Esq<sup>r</sup> are added to y<sup>e</sup> Committee of y<sup>e</sup> House for y<sup>e</sup> Affair Above. [*Passed June 15.*]

Legislative  
Records of the  
Council, xiii.,  
166.

House Jour-  
nal, pp. 34, 35,  
41.

## CHAPTER 81.

ORDER ON Y<sup>e</sup> PETITION OF CAP: JOS: WINSLOW &c, IMPOWERING HIM  
AND OTHERS TO BRING FORWARD A WRIT OF EJECTMENT AS TO  
LAND TAKEN BY RULE OF COURT.

A PETITION of Capt Josiah Winslow his Son Josiah Winslow and Elisha Blackman, Shewing that whereas they were impowered by an Act of the General Court to Contest in the Law y<sup>e</sup> Validity of a Rule

Legislative  
Records of the  
Council, xiii.,  
163, 167.

House Journal, pp. 46, 47, 51. Province Laws, x., 519, chap. 247.

of Court by them enter'd into, at the Superiour Court for the County of Bristol in September 1721, Upon an Action of Trespass and Ejectm<sup>t</sup> originally brought by Timothy Lindall Esq<sup>r</sup> against James Cudworth and David Cudworth And the Award of the Referree's and the Judgment of the Court thereupon. By reason of their Repeated Mistakes, they have not been able to bring the Matter to a New Trial in the Superiour Court, And therefore praying they may be again Impowered to Contest in the Law y<sup>e</sup> Said Rule of Court, Award of the Referrees and Judgment of the Court And that the Justices of the Said Court may be accordingly Authorized to hear and Determine the Same.

Read and

*Ordered* that the Petitioner Josiah Winslow in Behalf of himself his Son Josiah and Elisha Blackman, be Allowed and Impowered to bring forward his Writ of Ejectment at any Time within Twelve Months next Ensuing to the Inferi<sup>r</sup> Court of Common Pleas at Bristol for the County of Bristol to try his Title to Such Houses and Lands as have been taken from him by Vertue of the Rule of Court and Judgment thereon mentioned in the Petition, And either Party to have the Benefit as well of an Appeal as of a Review, And the Justices of the Inferiour & Superi<sup>r</sup> Courts respectively are hereby Impowered and Directed to hear & determine the Said Cause According to Law, And the Said Rule of Court and Judgment thereon is no ways to Affect the Title of either Party upon the Tryal, And the Said Josiah Winslow is to have the Benefit of this Order So far as concerns his own Lands Altho; the other Petitioners Should disavow the Action any Law Usage or Custom to the Contrary Notwithstanding. [*Passed June 16.*]

## CHAPTER 82.

RESOLVE FOR SUPPLY OF Y<sup>e</sup> TREASURY WITH £20,000 AND PROVIDING SECURITY. £5,000 IN 1731; £5,000 IN 1732; £5,000 IN 1733; £5,000 IN 1734.

Legislative Records of the Council, xiii., 168.

House Journal, pp. 41, 45. Province Laws, i., 16; x., 725, chap. 421.

PURSUANT to the Directions in y<sup>e</sup> Royal Charter in that Clause or Paragraph Impowering Court to impose and Levy proportionable and reasonable Assessments Rates and Taxes.

*Resolved* that the Treasurer be and hereby is Impowered & Directed to Issue forth and Emit the Sum of Twenty Thousand Pounds in Bills of Credit on this Province, for the Necessary Defence & Support of this Governm<sup>t</sup> & y<sup>e</sup> Protection & Preservation of the Inhabitants thereof (The Said Twenty Thousand Pounds being already put into the Hands of the Treasurer by the Committee appointed to make y<sup>e</sup> Same at the Session of this Court held in November last) To be Issued & Disposed of by Warrant under the Hand of the Lient<sup>t</sup> Govern<sup>r</sup> or Commander in Chief for the Time being with the advice & Consent of the Council.

Nineteen Thousand two Hundred Pounds whereof Shall be applied for the Uses Intents and purposes in this Resolve hereafter Expressed Viz: for y<sup>e</sup> Payment of All Grants, Premiums & Stipends established by Law, For the Defraying and Paying y<sup>e</sup> Charges of Castle William & the other Forts and Garrisons, Transports, Muster Rolls of Soldiers & Sailors, Allowances &c. and all other Accompts of Charges Allowed and pass'd on for payment by this Court

And that the Sum of Eight Hundred Pounds, being y<sup>e</sup> Residue and remaining Part of the Said Sum of Twenty Thousand Pounds Shall be applied for the Payment of Expresses dispatch'd in the Service of this Government in y<sup>e</sup> Recess of this Court, together with all other Necessary unforeseen Charges that Demand prompt Payment, W<sup>ch</sup> Shall arise

in the Recess of the Court as afores<sup>d</sup> PROVIDED Alwayses that the Several Draughts made upon the Treas<sup>r</sup> afores<sup>d</sup> Express and Declare out of Which of the two Several Sums afore mentioned the Money is to be paid.

And the Said Bills Shall pass out of the Treasury at the Value therein Express'd Equivalent to money, And Shall be taken and & Accepted in all publick Paym<sup>ts</sup>

And that the Duties of Impost and Excise together with all other publick Incomes Shall be a Fund & Security for y<sup>e</sup> Annual Paym<sup>t</sup> and Drawing in of S<sup>d</sup> Bills into y<sup>e</sup> Treasury again, So far as y<sup>e</sup> Same will reach;

And as a further Fund and Security for the Same :

It is further

*Resolved* that there be and hereby is Granted to his most Excellent Majesty for the Ends and Uses afores<sup>d</sup> & for no other Ends and Uses whatsoever, A Tax of Five Thousands Pounds to be levied upon Polls and Estates both Real & Personal within this Province, According to Such Rules & in Such Proportion upon the Several Towns & Districts within the Same as Shall be agreed on & Ordered by y<sup>e</sup> Great & General Court or Assembly of this Province at their Session in May one Thousand Seven Hundred and Thirty one & paid into the Treasury on or before y<sup>e</sup> last Day of December next after.

And that the further Sum of Five Thousand Pounds be Levied upon the Polls and Estates both Real and personal within this Province According to Such Rules and in Such Proportion upon the Several Towns & Districts within the Same as Shall be agreed on, & ordered by y<sup>e</sup> Great and General Court or Assembly of this Province at their Session in May One Thousand Seven Hundred and Thirty two, and paid into y<sup>e</sup> Treasury on or before the last Day of December Next after.

THAT the further Sum of Five Thousand Pounds be levied upon Polls and Estates both Real and Personal within this Province According to Such Rules and in Such Proportion upon the Several Towns & Districts within the Same as Shall be agreed on and Ordered by y<sup>e</sup> Great and General Court or Assembly of this Province at their Session in May One Thousand Seven Hundred and Thirty Three and paid into y<sup>e</sup> Treasury on or before y<sup>e</sup> last Day of December Next after

And that the further Sum of Five Thousand Pounds, being the Remainder of the aforesaid Twenty Thousand Pounds be levied upon Polls and Estates both Real [& Personal]<sup>1</sup> within this Province, According to Such Rules and in Such Proportion upon the Several Towns and Districts within the Same as Shall be agreed on and Ordered by the Great & General Court or Assembly of this Province at their Session in May one Thousand Seven Hundred and Thirty Four and paid into y<sup>e</sup> Treasury on or before y<sup>e</sup> last Day of December next after. [*Passed June 16.*]

## CHAPTER 83.

RESOLVE ALLOWING 55/ TO BENJ<sup>A</sup> ALVORD.

AN ACCOMPT presented by Benjamin Alvord of Time & Expence in Riding Express from Northampton to Boston & back, amounting to £4.

[Read and]

*Resolved* that the Sum of Fifty five Shillings be allowed and paid out of the publick Treasury to Benjamin Alvord in full Discharge of the within Accompt. [*Passed June 16.*]

Legislative  
Records of the  
Council, xlii.,  
169.

House Jour-  
nal, p. 52.

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xliii., 164.

## CHAPTER 84.

RESOLVE ALLOWING £4 TO JOS: DIMMOCK.

Legislative  
Records of the  
Council, xiii.,  
163.House Jour-  
nal, p. 49.

A MEMORIAL of Joseph Dimmock praying Allowance for his Time & Expence in Attending on this Court upon a Summons from the Secretary in the Affair of Solomon Barnabas an Indian.

[Read and]

*Resolved* that the Sum of Four Pounds be allowed and paid out of y<sup>e</sup> Publick Treasury to the Said Joseph Dimmock in full for his Service Attending this Court According to Order. [*Passed June 16.*]

## CHAPTER 85.

RESOLVE ALLOWING 28/ 2 TO NATH<sup>l</sup> RICHARDSON.Legislative  
Records of the  
Council, xiii.,  
170.House Jour-  
nal, p. 47.

AN ACCOUNT presented by Nathaniel Richardson of Leicester of y<sup>e</sup> Expences of y<sup>e</sup> Commissioners Sent to Canada the last Year at his House, amounting to Twenty Eight Shillings and two Pence.

[Read and]

*Resolved* that y<sup>e</sup> Sum of Twenty Eight Shillings and Two Pence be allowed & paid out of the publick Treasury to y<sup>e</sup> Said Nath<sup>l</sup> Richardson or his Order in full Discharge thereof. [*Passed June 16.*]

## CHAPTER 86.

RESOLVE ALLOWING £30 TO IEZ<sup>a</sup> BOSWORTH.Legislative  
Records of the  
Council, xiii.,  
170.House Jour-  
nal, p. 51.

A PETITION of Hezekiah Bosworth, Shewing that he Served in the pay of this Province on Several Marches or Expeditions particularly under General Nicholson at Port Royal, Where he lost one of his Eyes by Cold which he Catch'd by lying on y<sup>e</sup> Ground, Since which he has lost one of his Arms, And is thereby rendered uncapable of providing for himself and his four Children, And therefore praying Relief from this Court.

Read [and Accepted] &amp;

*Resolved* that the Sum of Thirty Pounds be allowed and paid out of the publick Treasury to the Petitioner Hezekiah Bosworth in Consideration of his Pain Sickness and Loss by the Said Wounds, & in full for what he has paid for Medicines and for his Cure. [*Passed June 16.*]

## CHAPTER 87.

RESOLVE ALLOWING £18. 11 TO JOS: JOHNSON.

Legislative  
Records of the  
Council, xiii.,  
170.House Jour-  
nal, p. 52.Province  
Laws, x., 656,  
chap. 220.

A PETITION of Josiah Johnson one of y<sup>e</sup> Soldiers under y<sup>e</sup> Command of y<sup>e</sup> late Capt: Lovewell, and wounded in the Action at Pigwaket, Praying Allowance for his Expences for the Cure of his Wounds, Since his last Allowance from this Court, & Some further Consideration for his Support

Read [and Accepted] &amp;



*Resolved*, that y<sup>e</sup> Sum of Eighteen Pounds<sup>1</sup> be allowed & paid out of the publick Treasury to the Petitioner Josiah Johnson, in Answer to y<sup>e</sup> S<sup>d</sup> Petition Viz Four Pounds fourteen Shillings to Discharge y<sup>e</sup> Doctors Bill and the remaining Sum in Consideration of his Loss of time and Inability for Labour. [*Passed June 16.*]

## CHAPTER 88.

### RESOLVE ALLOWING £10 TO ENOCH HALL.

A PETITION of Enoch Hall Shewing that when Northfield was Attack'd by the Indian Enemy in y<sup>e</sup> Year 1723, He was Sorely Wounded by three Bullets, By which he has been put to great Pain Praying for Some Relief & Support from this Court

Legislative  
Records of the  
Council, xlii.,  
170. —  
House Jour-  
nal, p. 49.

Read and IN Answer to this Petition

*Resolved* that the Sum of Ten Pounds be allowed and paid out of the publick Treasury to Capt Thomas Wells, to be by him paid to the Said Enoch Hall, in Consideration of of<sup>2</sup> the Wounds he rec<sup>d</sup> in the Service of the Province as within Mentioned. [*Passed June 16.*]

## CHAPTER 89.

### RESOLVE ALLOWING £18 TO DOCT<sup>R</sup> THOMAS ALDEN.

AN ACCOUNT presented by Doctor Thomas Alden of Medicines and Attendance to Sundry Officers and Soldiers in his Majesties Service at y<sup>e</sup> Eastward, Amounting to the Sum of Twenty Three Pounds fourteen Shillings With a Memorial praying the Allowance of the Said Sum out of the publick Treasury.

Legislative  
Records of the  
Council, xlii.,  
171. —  
House Jour-  
nal, p. 51.

Read [and Accepted] and

*Resolved* that y<sup>e</sup> Sum of Eighteen Pounds be allowed and paid out of the Publick Treasury to the Accomptant D<sup>r</sup> Thomas Alden in full of the Several Articles therein Mentioned. [*Passed June 16.*]

## CHAPTER 90.

### VOTE FOR LAW BOOKS FOR Y<sup>E</sup> PREST<sup>T</sup> MEMBERS.

*Resolved* that the Members of this present General Court who were not of y<sup>e</sup> Court y<sup>e</sup> last Year Shall be Entitled to have a Law Book at y<sup>e</sup> publick Charge upon their Comming out and Delivery to the former Members. [*Passed June 17.*]

Legislative  
Records of the  
Council, xlii.,  
172. —  
House Jour-  
nal, p. 53.

## CHAPTER 91.

### VOTE RESPECTING Y<sup>E</sup> PREMIUM ON HEMP.

WHEREAS by An Act or Law of this Province made and pass'd at a Session of the Great & General Court held y<sup>e</sup> 23<sup>d</sup> of Novem<sup>r</sup> 1715, Entitled an Act for Encouraging the Raising of Hemp within this

Legislative  
Records of the  
Council, xlii.,  
172. —

<sup>1</sup> The House Journal reads, £18. 14.

<sup>2</sup> *Sic.*

House Journal, p. 52.  
Province  
Laws, ii., 28,  
chap. 19; 362,  
chap. 7.

Province, There was a Premium Allowed for y<sup>e</sup> Raising of Hemp, Which Act Expired in Novem<sup>r</sup> last, And no provision is made by the Act for encouraging the Raising of Hemp within This Province made and pass'd by the General Court at their Session held the Third Day of Novem<sup>r</sup> past for any Premium for Hemp of the Growth of this Province until the first Day of May last, And no Surveyour being Appointed or Enabled by Law to Survey any Hemp within y<sup>e</sup> Term afores<sup>d</sup> Whereby many Persons have not received the Premium which they Imagined they were entituled to by Vertue of y<sup>e</sup> first recited Act

*Resolved* that it may<sup>1</sup> be lawfull for y<sup>e</sup> Treas<sup>r</sup> upon any Proper Certificate to him produced by any Survey<sup>r</sup> appointed by Force of y<sup>e</sup> former Act of any Merchantable Hemp of the Growth of this Province in y<sup>e</sup> Year 1725, to pay the Vender thereof the Premiums Allowed by y<sup>e</sup> Said Act, The Intermission Afores<sup>d</sup> Notwithstanding. [*Passed June 17.*]

## CHAPTER 92.

RESOLVE ALLOWING PAYMENT OF CAPT PETER OLIVERS MUSTER ROLL.

Legislative  
Records of the  
Council, xiii.,  
172.

House Journal,  
p. 51.

A MUSTER ROLL of the Company in his Majesties Service Eastward under the Command of Capt Peter Oliver. Containing an Acco<sup>t</sup> of Wages due to them for their Service from the 29<sup>th</sup> Novem<sup>r</sup> to y<sup>e</sup> 9<sup>th</sup> of January 1725, Amounting to the Sum of £59. 14. 7.

[Read and Accepted, and]

*Resolved* that the Sum of Fifty Nine Pounds fourteen Shillings and Seven Pence be allowed and paid out of the publick Treasury to the Officers and Soldiers born on the within Roll in full Discharge of the Wages thereof. [*Passed June 17.*]

## CHAPTER 93.

RESOLVE ALLOWING PAYMENT OF L<sup>r</sup> MOSES MARKHAMS MUSTER ROLL.

Legislative  
Records of the  
Council, xiii.,  
173.

House Journal,  
p. 54.

A MUSTER ROLL of the Soldiers in his Majesties Service Eastward under the Command of Lieut Moses Markham, containing an Acco<sup>t</sup> of Wages due to them for their Said Service from y<sup>e</sup> 21<sup>st</sup> of January 1725 to y<sup>e</sup> 14<sup>th</sup> of June 1726, Amounting to the Sum of £44. 18. 5.

[Read and Accepted and]

*Resolved* that y<sup>e</sup> Sum of forty four Pounds Eighteen Shillings and five Pence be allowed, & paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll in full Discharge of y<sup>e</sup> Whages<sup>2</sup> thereof. [*Passed June 17.*]

## CHAPTER 94.

ORDER FOR REPAIRS AT Y<sup>e</sup> LIGHT HOUSE WHARFE &c.

Legislative  
Records of the  
Council, xiii.,  
174.

A MEMORIAL of Capt: John Hayes, Keeper of the Light House on Beacon Island praying that a Committee may be Appointed to View a Breach made in the Wharf on y<sup>e</sup> Said Island and Cause the Same to

<sup>1</sup> The House Journal reads, "shall and may be Lawful."

<sup>2</sup> *Sic.*

be repaired and also that a Convenient Well be made on the Great  
Brewster Island for his Accomodation at y<sup>e</sup> Charge of y<sup>e</sup> Province.

In the House of Representatives Read and

*Ordered* that y<sup>e</sup> Prayer of the Memorial be Granted, And that Capt  
Wadsworth M<sup>r</sup> Tho<sup>s</sup> Cushing & M<sup>r</sup> Phillips with Such as Shall be ap-  
pointed by the Hon<sup>ble</sup> Board be a Committee to Se the Same Effected  
Accordingly. In Council Read and Concur'd and the Hon<sup>ble</sup> Wil-  
liam Tailer Esq<sup>r</sup> and Adam Winthrop Esq<sup>r</sup> are added to the Committee  
on y<sup>e</sup> Affair Above. [*Passed June 17.*]

House Jour-  
nal, p. 48.

## CHAPTER 95.

### RESOLVE ALLOWING £5 TO ISAAC WONNOE.

A PETITION of Isaac Wonno (Indian) a Soldier late in y<sup>e</sup> Service of  
this Province, Shewing that one Moses Markham receiv'd lately Nine  
Months pay due to him for his Service under pretence of an Order from  
the Petitioner, Which was for his Scalp Money only And that the Peti-  
tioner lost one of his Eyes in the Fight at Norridgewock in the Year  
1724 by the blowing up of his Powder-Horn praying Relief from this  
Court

Read [and Accepted] and

*Resolved* that y<sup>e</sup> Sum of Five Pounds be allowed and paid out of the  
Publick Treas<sup>y</sup> to M<sup>r</sup> Nathaniel South Worth to be by him paid to and  
for y<sup>e</sup> Use of the Petitioner in Consideration of the Loss of his Eye,  
as within mentioned. [*Passed June 17.*]

Legislative  
Records of the  
Council, xiii.,  
174.

House Jour-  
nal, pp. 37, 54.

## CHAPTER 96.

### ORDER ON INHABIT<sup>TS</sup> OF SCITUATE AND ABINGTON Y<sup>E</sup> PET.

A PETITION of y<sup>e</sup> Inhabitants of the Town of Scituate living to y<sup>e</sup>  
Westward of the Third Herring Brook & Sundry of y<sup>e</sup> Inhabitants of  
The Town of Abington, Praying that part of the afores<sup>d</sup> Towns as pro-  
tracted and described in a Plan therewith Exhibited with the Families  
living thereon may be Erected into a Seperate Township.

Read and Referred to the Second Wednesday of the next Fall Ses-  
sion of this Court, and that in the Mean Time, the petitioners Serve  
the Towns of Scituate & Abington with a [Copy]<sup>1</sup> of the petition that  
they shew cause [if any they have why the prayer thereof should not  
be]<sup>1</sup> granted. [*Passed June 17.*]

Legislative  
Records of the  
Council, xiii.,  
174. Mass.  
Archives,  
ccxliii., 28.

House Jour-  
nal, p. 34.

## CHAPTER 97.

### VOTE ON Y<sup>E</sup> PETIT<sup>NS</sup> OF Y<sup>E</sup> AGENTS FOR Y<sup>E</sup> EAST PRECINCT IN BRIDGE- WATER.

A PETITION of Ebenezer Byram Jonathan Bass & John Orcutt Agents  
for the East Precinct in Bridgewater, Shewing that upon the Building  
of the Meeting House in the North Precinct in y<sup>e</sup> Said Town in the

Legislative  
Records of the  
Council, xiii.,  
154, 175.

<sup>1</sup> MS. mutilated.

House Journal, p. 55.

Year 1719, when the Now East Precinct was a Part of the North, it was Voted by the Inhabitants, that they Should be So continued for Some Time, and that what they Should pay towards the Said Meeting House Should be reimbursed them upon their being Separated, Which Vote was in Some Measure confirm'd by an Order of the Gen<sup>l</sup> Court, Yet Notwithstanding y<sup>e</sup> Inhabitants of y<sup>e</sup> North Precinct refused to reimburse the Inhabitants of the East Precinct now they are Set off, And therefore praying that this Court would please to explain their Said Order, And direct that the Said North Precinct make good their Said Agreement.

The Said Complaint being Read and the parties fully Heard to make their Pleas & Allegations thereon, And Nathaniel Brett (chosen Clerk of the North Precinct) Owing That the Copy of what was given in as Voted by the Said North Precinct the Sixth of November 1719 was true, and that y<sup>e</sup> Said Copy was of his own Hand writing, Which Vote he ought in Discharge of his Office to have made a Record of at that Time.

*Voted* that the Said Copy under y<sup>e</sup> Hand of y<sup>e</sup> Said Nath<sup>l</sup> Brett Shall be accounted as Sufficient as if it had been taken from the Record, And that the then North Precinct of Bridge Water did really and truly pass Such a Vote and come into Such an Agreement with the Petitioners, as in the Said Copy is Set fourth, And therefore That the Said East Precinct have their Remedy at the Common Law against the Now West Precinct in Bridgewater for the Recovery of the Sixty five Pounds due to them as within Set forth. [*Passed June 18.*]

## CHAPTER 98.

### VOTE FOR DIVIDING BRADFORD.

Legislative Records of the Council, xlii., 177.

Legislative Records of the Council, xlii., 129, 151 *bis*, 171, 174. House Journal, pp. 30, 55.

*Ordered* that the Town of Bradford be divided into two Precincts, The dividing Line between the Said Two Precincts to be the West Line of the Land formerly the Rev<sup>d</sup> M<sup>r</sup> Sam<sup>l</sup> Phillippes Farm now in the Possession of Lieut Hardy and Ensign Parker till the further Order of this Court. [*Passed June 18.*]

## CHAPTER 99.

### RESOLVE ALLOWING £4. 9 TO NATH<sup>l</sup> COFFIN.

Legislative Records of the Council, xlii., 178.

House Journal, p. 55.

A PETITION of Nathaniel Coffin of Newbury Shewing that his Servant Lazarus Goodwin Served as a Soldier in y<sup>e</sup> Company Commanded by Lieut John Lane, that the Said Lane under Colour of an Order (of which both the Petitioner & his S<sup>d</sup> Servant were Ignorant) received of the Treasurer the Sum of Four Pounds Nine Shillings as Wages due to the Said Goodwin, Praying that he may be allowed to receive the Said Sum out of the Treasury.

Read and

*Resolved* that the Sum of Four Pounds and Nine Shillings be allowed and paid out of the publick Treasury to the Petition<sup>r</sup> Nath<sup>l</sup> Coffin in full for the Wages due to him for his Servant Goodwins Service under the Said John Lane. [*Passed June 20.*]

## CHAPTER 100.

## ORDER FOR CALLING A TOWN MEETING AT KINGSTONE.

*Ordered* that Major John Bradford a Principal Inhabitant of the Town of Kingstone be and hereby is Impowered & Directed to Notifie and Summon the Inhabitants duly Qualified for Voters to Assemble and Meet together to Chuse Town Officers to Stand till the Next Annual Election According to Law. [*Passed June 21.*]

Legislative  
Records of the  
Council, xlii.,  
179.

House Jour-  
nal, p. 69.

## CHAPTER 101.

## RESOLVE IMPOWERING THE SELECTMEN OF LEICESTER TO LEVY A TAX ON LAND, OF ONE FARTHING PER ACRE.

A PETITION of the Select Men of Leicester, Praying that the Said Town may be Impowered to Levy and Assess a Tax of an Half Penny per Acre upon all the Lands lying within y<sup>e</sup> Said Township for the defreying of their Necessary Charges especially for the Support of the Ministry among them.

Legislative  
Records of the  
Council, xlii.,  
180.

House Jour-  
nal, p. 69.

Read & in Answer to this Petition

*Resolved* that the Select Men or Assessors of y<sup>e</sup> Town of Leicester be and are hereby fully Authorized and Impowered to Levy a Tax of one Farthing an Acre upon all the Lands lying within the Said Town belonging to the Resident or non Resident Proprietors for the Support of the Ministry there, for y<sup>e</sup> Year Current Any Law Usage or Custom to y<sup>e</sup> Contrary Notwithstanding. [*Passed June 21.*]

## CHAPTER 102.

RESOLVE DISCHARGING Y<sup>E</sup> COMMISSIONERS OF THE £100,000 LOAN FOR Y<sup>E</sup> COUNTY OF MIDDLESEX.

AN Accompt of the Commissioners of the £100,000 Loan for the County of Middlesex, beginning Feb<sup>ry</sup> 13, 1723/4 & Ending Feb<sup>ry</sup> 13, 1724/5 Whereby it appears that they had rec<sup>d</sup> of Sundry Persons for Interest the Said Year the Sum of £1,030. 0. 9 and £42. 3. 6 Charges of Law Suits, Making £1,072. 4. 3 And have paid into y<sup>e</sup> Treasury the Sum of £1,024. 8. 11 And account for the Remaining Sum of £47. 15. 4 as follows £39. 15. 4 their due by Law & £8 for Book keeping, Having Charged in their four last Accompts £146 & discharged themselves in this and the last Acco<sup>ts</sup> of y<sup>e</sup> Sum of £48. 6<sup>s</sup> 4<sup>d</sup> being the Charges arisen on Law Suits, So that there remains £97. 13. 8 thereof to be Accompted for, as also the Sum of £798. 13. 8 OutStanding Interest Money, And £136. 3. 2 of the Principal in their Hands not let out.

Legislative  
Records of the  
Council, xlii.,  
180.

House Jour-  
nal, p. 58.  
Province  
Laws, li., 61,  
chap. 18; x.,  
400, chap. 348;  
623, chap. 123.

Read & Accepted &

*Resolved* that the Commissioners the Accomptants be and hereby are discharged of the Said Sum of One Thousand & Seventy two Pounds four Shillings and Three Pence Accordingly, The Sum of Ninety Seven Pounds Thirteen Shillings and Eight Pence being y<sup>e</sup> Ball<sup>ce</sup> of the Accompt for the Charges of Law Suits with the Sum of Seven Hundred

Ninety Eight Pounds thirteen Shillings & Eight Pence Out Standing Interest money the Commissioners are Still accountable for. [*Passed June 21.*]

## CHAPTER 103.

RESOLVE ON PETITION OF SUDBURY WEST PRECINCT, IMPOWERING THE COMMITTEE TO WARN A PRECINCT MEETING.

Legislative  
Records of the  
Council, xiii.,  
181.

House Jour-  
nal, p. 62.

A PETITION of the Inhabitants of the West Precinct in Sudbury. Shewing that at a Meeting there held in the Month of March last to Chuse Officers According to the Directions in the Law, divers Unqualified Persons appear'd and put in their Votes notwithstanding their being forbidden and Warn'd against it, So that now they have not Officers legally Appointed to Manage the Affairs of the Said Precinct, And not being Impowered by Law to Call another Meeting for that purpose this Year, Therefore praying the Order of this Court to Impower them to Call a Meeting for y<sup>e</sup> Election of Precinct Officers.

Read [and Accepted, and]

*Resolved* that Inasmuch as Some of the persons Chosen into Office in y<sup>e</sup> West Precinct of Sudbury in their March Meeting last are Sworn, and others are not Sworn, Whereby Much Inconvenience has arisen & may Still Arise, It Shall and may be lawfull for the Committee of the S<sup>d</sup> Precinct appointed for the Year 1725, And they are hereby Impowered to Warn a precinct Meeting to Chuse to Office & fill up the Places of Such Officers as were Chosen the last march Meeting of the Said Precinct and have not been Sworn, And that those Officers that have been Sworn be and hereby are Established & Confirmed in their Respective Offices; Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed June 22.*]

## CHAPTER 104.

RESOLVE ALLOWING £3 TO JOS TAPIN & JOS KETOW INDIANS.

Legislative  
Records of the  
Council, xiii.,  
182.

House Jour-  
nal, p. 61.  
*Ante*, p. 32,  
chap. 78.

A MEMORIAL of Meletiah Bourn Esq<sup>r</sup> in Behalf of Joseph Tapin and Joseph Ketow Indians in the County of Barnstable praying that the Sum of Three Pounds may be allowed them for their Time and Expence in Travelling to and Attending at the Court of Assize held at York in May last, As Witnesses for y<sup>e</sup> King against Joseph Quasson who was tried for and Convicted of the Murther of John Peter Indian.

Read and

*Resolved* that the Sum of Three Pounds be Allowed and paid out of y<sup>e</sup> publick Treasury to Meletiah Bourn Esq<sup>r</sup> to be by him paid to Joseph Tapin and Joseph Ketow for their Services within Mentioned. [*Passed June 22.*]

## CHAPTER 105.

RESOLVE ALLOWING £51. 14. 3 TO D<sup>r</sup> ALEX<sup>r</sup> BULMAN.

Legislative  
Records of the  
Council, xiii.,  
182.

AN ACCOMPT presented by D<sup>r</sup> Alexander Bulman of Wages due to him for his Service as Surgeon to the Forces Eastward from Dec: 16, 1725 to June 14<sup>th</sup> 1726, Amounting to y<sup>e</sup> Sum of £51. 14. 3.

[Read and]

*Resolved* that y<sup>e</sup> Sum of Fifty one Pounds fourteen Shillings and Three pence be allowed and paid out of the publiek Treasury to y<sup>e</sup> Account<sup>t</sup> D<sup>r</sup> Alexander Buhnan in full Discharge thereof.<sup>1</sup> [*Passed June 22.*]

## CHAPTER 106.

## ORDER IMPOWERING MARY PEDRICK TO SELL LAND.

A PETITION of Mary Pedrick of Marble Head Spinster Daught<sup>r</sup> of Susanna Pedrick Deceased, who was Daughter to Christopher Latimer of the Said place Dec<sup>d</sup> Shewing that the Said Christopher Latimer in and by his last Will and Testament gave his Houses. And Lands (remaining after payment of his Just Debts) to his Three Daughters, Jane Norden Susanna Pedrick and Elizabeth Walters and to the Heirs of their Bodies begotten and to be begotten forever in Fee Tail, Which Lands lie in Several pieces in Marble-Head and are of inconsiderable Value to the Interested as they now lye, And that the Petitioner needs Some Benefit from the Same for her Support, Which She might have were She permitted to Sel her Part, And therefore praying this Court would enable her to make an Absolute Sale of her Share and Interest in the Said Land for her own Use and Benefit, And that the Entail may be so far taken of as concerns her; the Other Heirs being Consenting thereto, as appears by a Certificate under their Hands;

Read and

*Ordered* that the Prayer of this Petition be Granted. Any Law, Usage, or Custom to the Contrary Notwithstanding. [*Passed June 22.*]

## CHAPTER 107.

ORDER ALLOWING BENJ<sup>A</sup> PARSONS TO PROVE A CLAIM AGAINST THE ESTATE OF GYLES DYER.

A PETITION of Benjamin Parsons of Topsham in Great Brittain, Mariner Shewing that he is a just Creditor to the Estate of Gyles Dyer of Boston Merch<sup>t</sup> Deceas<sup>d</sup> for the Sum of Ninety Seven Pounds or Upwards in New-England Money, Praying that he may be allowed to enter his Claim among the Creditors of the Said Dyer w<sup>th</sup> the Commiss<sup>rs</sup> for receiving the Claims (he having been four years Absent from this Country And no Distribution yet made) The Time allowed by Law for making the Said Claims being Elapsed Notwithstanding.

Read and

*Ordered* that the Prayer of this Petition be Granted And that the Petitioner be allowed to prove his Debt and Claim to the Estate of the Said Gyles Dyer dec<sup>d</sup> & the Commissioners for Receiving the Claims thereof are hereby Impowered And Directed to receive the Same, and make Report thereof to the Judge of Probate for the County of Suffolk accordingly, any Law Usage or Custom to the Contrary Notwithstanding. [*Passed June 22.*]

Legislative  
Records of the  
Council, xiii.,  
182.  
House Jour-  
nal, p. 64.

Legislative  
Records of the  
Council, xiii.,  
183.  
House Jour-  
nal, p. 63.

<sup>1</sup> Not found in the House Journal.

## CHAPTER 108.

ORDER ON Y<sup>E</sup> MEM<sup>O</sup> OF Y<sup>E</sup> COMM<sup>TEE</sup> FOR SHEWAMET MINISTERIAL LANDS.

Legislative  
Records of the  
Council, xiii.,  
185.

House Jour-  
nal, pp. 63, 64.  
Province  
Laws, x., 483,  
chap. 150.

A MEMORIAL of Nathaniel Blagrove Nathaniel Payne Esq<sup>rs</sup> a Committee appointed by the General Court to take Care of the Lands granted by the Propriet<sup>rs</sup> of Shewamet to the Use of the Ministry there, Shewing that upon Application made by the Proprietors to the Memorialists they Approved of their Letting out the Said Lands for three Years, Provided they prohibit the Cutting down of any Trees other than what is Necessary for Fencing, And that the Tenant Account and pay y<sup>e</sup> Rent According to the true Intent of the Original Grant, That they did Direct & Request Preserved Braynton one of the Said Propriet<sup>rs</sup> to take Care That there be no further Spoil made in the Timber and Wood on y<sup>e</sup> S<sup>d</sup> Land, That the Said Braynton has been Sued as a Trespasser on y<sup>e</sup> Said Land & an Action is now depending at y<sup>e</sup> Inferiour Court of Common Pleas for the County of Bristol by Joseph Chase who pretends a Right in the Said Land as a Proprietor there And that he is in Possession thereof And therefore praying that this Court will give Such Order in this Affair as that the Intent and Design of the Order of the General Court made thereabout in the Year 1724 may not be frustrated, But that the Said Land may be improved and disposed of According to the true Intent of the Original Grants thereof.

Read and

*Ordered* that the Memorialists Serve Joseph Chase with a Copy of this Petition, That So he give in his Answer thereto (If he Se Cause) on the first Tuesday of the Next fall Session, And that in the Mean Time the Action now depending in the Inferiour Court of Common Pleas for the County of Bristol be Suspended. [*Passed June 22.*]

## CHAPTER 109.

## ORDER OF NOTICE ON ELIAS STONE'S PETITION FOR A WRIT OF REVIEW OF AN ACTION FOR TRESPASS.

Legislative  
Records of the  
Council, xiii.,  
185.

House Jour-  
nal, p. 65.

A PETITION of Elias Stone of Charlestown in the County of Middlesex Praying that he may be allowed to bring his Writ of Review of an Action of Trespass against Chadwalliter Ford to the Next Superior Court for the County of Middlesex, The Same having been tried at the Inferiour Court held at Cambridge for the Said County In June 1724 & the Appeal from the Judgment of that Court tried at the Super<sup>r</sup> Court in January following, And the Review tried In January last, Nathaniel Bownan the Foreman of the Jury being a near Relation to Coll<sup>o</sup> Edmund Goffe under whom the Said Ford held, Which was not discovered till the Court was over, Notwithstanding the Caution given to the Jury thereon.

Read and

*Ordered* that the Petitioner Serve y<sup>e</sup> Adverse Party with a Copy of this Petition, That So he give in his Answer thereto, If he se Cause on the Second Wednesday of the next Fall Session And that Execution be Stayed in the mean Time. [*Passed June 23.*<sup>1</sup>]

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is June 22.



## CHAPTER 110.

## RESOLVE ALLOWING £33. 10. 5 TO JOHN WOODS.

AN ACCOMPT presented by John Woods of Cleaning & Mending of Arms belonging to the Garrison at his Majesties Castle William Amounting to the Sum of £33. 10. 6 Certified by John Larrabee Lieut. of the Said Castle.

Read [and Accepted] and

*Resolved* that y<sup>e</sup> Sum of Thirty Three Pounds Ten Shillings and Five Pence be allowed and paid out of the Publick Treasury to John Woods in full Discharge of the Within Accompt. [*Passed June 23.*]

Legislative  
Records of the  
Council, xiii.,  
186.

House Jour-  
nal, p. 64.

## CHAPTER 111.

RESOLVE DISCHARGING THE ACCO<sup>T</sup> OF Y<sup>E</sup> COMMISSION<sup>RS</sup> OF Y<sup>E</sup> £100,000  
LOAN FOR Y<sup>E</sup> COUNTY OF BRISTOL.

AN ACCOMPT of the Commissioners for the £100,000 Loan for y<sup>e</sup> County of Bristol, Beginning Feb<sup>ry</sup> 13, 1723/4, And ending Feb<sup>ry</sup> 13, 1724/5, By Which it appears that the Said Commissioners have received of Sundry Persons for Interest of the Said Loan y<sup>e</sup> Said Year the Sum of £432. 8. 11 And have paid into the Treasury the Sum of £415. 4. 6 And Accompt for the remaining Sum of £17. 4. 5 as follows Viz £12. 4. 5 their Due by Law And £5 for Book Keeping, The Sum of £4. 15 of y<sup>e</sup> Principal Money being in their Hands not let out

Read and Accepted &

*Resolved* That the Commission<sup>rs</sup> the Accompt<sup>s</sup> be and hereby are Discharged of the Said Sum of Four Hundred thirty Two Pounds Eight Shillings And Eleven Pence Accordingly. [*Passed June 23.*]

Legislative  
Records of the  
Council, xiii.,  
187.

House Jour-  
nal, p. 58.  
Province  
Laws, ii., 61,  
chap. 18.  
*Infra*, chap.  
112.

## CHAPTER 112.

RESOLVE DISCHARGING THE ACCO<sup>T</sup> OF Y<sup>E</sup> COMM<sup>RS</sup> FOR Y<sup>E</sup> £100,000 LOAN  
FOR Y<sup>E</sup> COUNTY OF PLIMOUTH.

AN ACCOMPT of the Commissio<sup>rs</sup> for the £100,000 Loan for y<sup>e</sup> County of Plymouth Beginning y<sup>e</sup> 13<sup>th</sup> of Feb<sup>ry</sup> 1723, 4 And Ending Feb<sup>ry</sup> 13 1724, 5, Whereby it appears that the Said Commission<sup>rs</sup> have receiv'd of Sundry Persons for Interest the Said Year the Sum of £324. 12. 4 And have paid into the Treasury the Sum of £300. 16. 4 & Accompt for the Remaining Sum as follows; Viz<sup>t</sup> £16. 6 their due by Law, £6 for Book Keeping And £1. 10 Expences in taking Possession of Mortgaged Lands, And it appears by their former Accompts, That there Still Remains of out Standing Interest Money the Sum of £153. 12. 1 And also by this Accompt the Sum of £172. 10 making in the Whole the Sum of £326. 2. 1 And the Sum of £195. 3. 3 of the Principal Money, Still in their Hands not let out

Read & Accepted and

*Resolved* that the Commission<sup>rs</sup> the Accomptants be and hereby are discharged of the Said Sum of Three Hundred twenty four Pounds Twelve Shillings and four Pence Accordingly, The Sum of Three Hun-

Legislative  
Records of the  
Council, xiii.,  
187.

House Jour-  
nal, p. 58.  
Province  
Laws, ii., 61,  
chap. 18.  
*Supra*, chap.  
111. *Infra*,  
chap. 113.

dred twenty Six Pounds two Shillings and one Penny by this and the former Accompts being out Standing Interest Money, the Said Commissioners are Still Accomptable for. [*Passed June 23.*]

## CHAPTER 113.

### RESOLVE RELATING TO THE ACCO<sup>T</sup> OF Y<sup>E</sup> COM<sup>RS</sup> OF Y<sup>E</sup> £100,000 LOAN FOR Y<sup>E</sup> COUNTY OF BARNSTABLE.

Legislative  
Records of the  
Council, xiii.,  
188.

House Jour-  
nal, pp. 58, 59.  
Province  
Laws, ii., 61,  
chap. 18.  
*Supra*, chap.  
112.

AN ACCO<sup>MPT</sup> of the Commissioners of the £100,000 Loan for y<sup>e</sup> County of Barnstable, Beginning Feb<sup>ry</sup> 13. 1723 4 and Ending Feb<sup>ry</sup> 13. 1724, 5. Whereby it appears that the Said Commissioners have received for Interest the Said Year, The Sum of £353. 17. 7 & have paid into the Treasury £314. 9. 8 And Accompt for y<sup>e</sup> remaining Sum as follows Viz<sup>t</sup> £8. 19. 5 their due by Law, £8 for Book Keeping, And £22. 8. 6 Remaining in their Hands, Which they are to pay the Treasurer, The Sum of £22. 8. 6 of the Interest Money being out Standing, And the Sum of £111. 8. 2 of the Principal Money being in their Hands & not let out.

Read & Accepted &

*Resolved* that the Said Commissioners the Accomptants do forthwith pay into the Treasury the Sum of Twenty two Pounds Eight Shillings and Six pence for So much they have received for Interest Money to Discharge themselves of the Said Sum of Three Hundred fifty three Pounds Seventeen Shillings and Seven Pence, The further Sum of Twenty two Pounds eight Shillings and Sixpence being Outstanding Interest Money, Which the Said Commissioners are Still Accomptable for. [*Passed June 23.*]

## CHAPTER 114.

### VOTE FOR APPOINTING MEMBERS OF BOTH HOUSES TO GO EASTWARD.

Legislative  
Records of the  
Council, xiii.,  
189.

Legislative  
Records of the  
Council, xiii.,  
81, 148. House  
Journal, p. 65.  
Province  
Laws, x., 723,  
chap. 416.

In the House of Representatives.

*Voted* that Major John Quiney and Capt Amos Turner be Added to the Committee Appointed by this Court the twenty third of December last to receive the Claims or Titles of the English to the Lands in the Eastern Parts of the Province And to repair to Falmouth at the Time proposed for the Ratification of the Treaty &c. And that M<sup>r</sup> Thomas Cushing Major John Chandler Coll<sup>o</sup> Richard Kent Capt Daniel Epes Capt Edward Goddard, Captain Thomas Wells Henry Phillips Esq<sup>r</sup> M<sup>r</sup> Edward Arnold, Coll<sup>o</sup> Payne M<sup>r</sup> John Payne and Major Moodey be desired together with y<sup>e</sup> Said Committee to Attend his Honour the Lieut: Govern<sup>r</sup> at y<sup>e</sup> Ratification of the late Treaty with the Indians according to his Honours Appointment for Meeting the Indians the fifteenth of the next Month at Casco

In Council Read and Concur'd, And

*Ordered* that John Otis Esq<sup>r</sup> be of the Committee in the Room of the Secretary and that John Wheelwright, Elisha Cook, Joseph Hammond Samuel Thaxter Thomas Palmer and Edward Hutchinson Esq<sup>rs</sup> be desired to Attend his Honour the Lieut Govern<sup>r</sup> at the Ratification.<sup>1</sup> [*Passed June 23.*]

<sup>1</sup> In Legislative Records of the Council no concurrence of the House in this last action is recorded, though concurrence is implied by the consent of the Lieut. Governor, which follows. Concurrence, however, appears in terms by the House Journal.

## CHAPTER 115.

## RESOLVE ALLOWING £3. 9. 6 TO MOSES MARKHAM.

AN ACCOUNT of Moses Markham, of Sundry Disbursements for the publick Service at North Yarmouth Amounting to the Sum of £3. 9. 6.

[Read & Accepted and]

*Resolved* that the Sum of Three Pounds Nine Shillings and Six pence be Allowed & paid out of the publick Treasury to the Accomptant Moses Markham in full Discharge thereof. [*Passed June 23.*]

Legislative  
Records of the  
Council, xlii.,  
189.

House Jour-  
nal, p. 65.

## CHAPTER 116.

## ORDER ON STEPHEN BOUTINEAU'S PETITION FOR A NEW TRIAL.

A PETITION of Stephen Boutineau of Boston Shopkeeper, Shewing That Letters of Administration on the Estate of Benjamin Bate late of Dorchester Dec<sup>d</sup> being first granted by the Judge of Probate of Wills for the County of Suffolk to his Son Benjamin Bate, were afterwards Revoked and Administration granted to y<sup>e</sup> Petitioner who Administered on the Said Estate Accordingly, That by a Judgment of Superiour Court held at Boston in August last his Administration was Disallow'd and the Power of the Judge to Revoke the First Letters of Administration and grant new ones denied in Effect, And a Deed of a certain Tract of Land being y<sup>e</sup> Estate of the Said Benj<sup>a</sup> Bate dec<sup>d</sup> Executed by y<sup>e</sup> S<sup>d</sup> Benj<sup>a</sup> Bates Administrator as afores<sup>d</sup> after his revoking the Said Letters of Administration allowed to be Good and Effectual (And that Notwithstanding a Manifest Fraud in antedating y<sup>e</sup> Said Deed plainly proved in Court) And that the Petitioner applied to y<sup>e</sup> Governour and Council for Relief, Who after Solemn Hearing & Argument thereon, pass'd a Resolve, That the Letters of Administration granted to the Said Stephen Boutineau to Administer on the Estate of the Said Benjamin Bates are Good Valid and Effectual in the Law, And to the End that the Petitioner and the Other Creditors of the Estate of the Said Benjamin Bate Dec<sup>d</sup> may have their Just Benefit by the Said Resolve of Council : Therefore praying that he may be impowered to have another Review of An Action of Trespass and Ejectment Originally brought against John Harradine for Recovery of the Land above Mention'd of which the Said Benjamin Bate died Seized.

Read, together with the Answer of Samuel Billing and John Corey, And the Same being fully Considered.

*Ordered* that the prayer of this Petition be so far Granted That the Petitioner be Admitted to a New Trial at the next Superiour Court of Judicature for the County of Suffolk, And the Justices of the Said Court are hereby Impowered & Directed to hear and Determine the Said Cause Accordingly ; Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed June 24.*]

Legislative  
Records of the  
Council, xlii.,  
150, 189.

House Jour-  
nal, pp. 42, 63.

## CHAPTER 117.

ORDER ON Y<sup>E</sup> COMMITTEES REPORT RESPECTING PENNICOOK.

Legislative  
Records of the  
Council, xiii.,  
190.

House Jour-  
nal, pp. 108, 112,  
113 (Jan., 1725);  
p. 49, Province  
Laws, x., 739,  
chap. 472.

THE COMMITTEE appointed by the Great and General Court in their Sessions begun and held in November last to bring forward a Settlement and admit one Hundred persons therein on a Tract of Land lying on Merrimack River at a Place there known by y<sup>e</sup> Name of Pennicook and having given Sufficient Notice to any Persons that were ready and would engage in the Settlement, To meet the Committee at Haverhill the first Week in February last The Committee at that Time and Place admitted One Hundred Persons or Grantees into the Said Tract or Grant, Giving Preference to the Petitioners that appeared to us most Suitable therefore. & in May last we proceeded to the Place in Order to lay out y<sup>e</sup> whole Township, And the Lotts directed in the Order of the General Court beginning at the Mouth of Contoocook River, where that joyns Merrimack River, and thence ran a Line East 17 Degrees North three Miles And upon a Course West 17 Degrees South four Miles And So at Right Angles from the Extrems of Each of y<sup>e</sup> Aforesaid Lines Seven Miles Southerly Each, and thence from the Termination of the Seven Miles which compleats the Grant and is according thereto, And upon View and Strict Survey of the Lands on the East Side of Merrimack, we find that there is little or no Water. The Land near the River extream Mountainous and almost Impassible And very unfit for and uncapable of Receiving Fifty Families as the Court has ordered, more especially considering That near y<sup>e</sup> Centre of the Town on y<sup>e</sup> East Side of the River Merrimack, The Hon<sup>ble</sup> Sam<sup>l</sup> Sewall Esq<sup>r</sup> has a Farm of Five Hundred Acres of Good Land formerly granted by this Court and laid out to Governour Endicott. The Committee therefore with Submission to the Hon<sup>ble</sup> General Court thought it advisable and Accordingly have laid out one Hundred & Three Lotts of Land for Settlements on the West Side contiguous to each other regularly and in a Defensible Manner, as by the Platt of them and of the whole Grant (Which is hereby presented) will appear, And inasmuch as the Generality of the Land answers not the Grantees Expectations and five Hundred Acres laid out as afores<sup>d</sup> Humbly offer, That the like Number of unappropriated Lands adjacent to y<sup>e</sup> Township may be made to the Settlers as an Equivalent therefor.

Read and

*Ordered* that this Report be so far Accepted as that the Settlers or Grantees be and hereby are Impowered and Allowed to make their Settlements on the West<sup>n</sup> Side of the River Merrimack, according as is proposed in the Said Report, and projected in and by Said Plan, the former Order of this Court Notwithstanding, and the Said Committee are directed to proceed Accordingly. [*Passed June 24.*]

## CHAPTER 118.

RESOLVE ALLOWING £500 TO THE JUSTICES OF THE SUPER<sup>R</sup> COURT.

Legislative  
Records of the  
Council, xiii.,  
191.

House Jour-  
nal, p. 69.

*Resolved*, That the Sum of Five Hundred Pounds be allowed and paid out of the publick Treasury to the hon<sup>ble</sup> the Justices of His Majestys Superiour Court of Judicature &c. in proportion to the Courts they have Attended the Year past. [*Passed June 24.*]

## CHAPTER 119.

RESOLVE ALLOWING PAYMENT ON CAPT: SAM<sup>LL</sup> WRIGHTS MUSTER ROLL.

A MUSTER ROLL of the Company in His Majestys Service Westw<sup>d</sup> under the Command of Capt: Samuel Wright, Containing an Accompt of Wages due to them for their Service from November 19, 1725, to the 7<sup>th</sup> of January following, Amounting to the Sum of £229. 13. 2 with the Subsistence.

[Read and Accepted, and]

*Resolved* that the Sum of Two Hundred and twenty one pounds, eleven Shillings and four pence be Allowed and paid out of the publick Treasury to Capt: Samuel Wright, To be by him paid to the Officers and Soldiers to whom it is respectively due for the Wages, and the persons, that have Subsisted the Men born on the Said Roll, in full Discharge of the Wages and Subsistence thereof. [*Passed June 24.*]

Legislative  
Records of the  
Council, xlii.,  
191.  
House Jour-  
nal, p. 64.

## CHAPTER 120.

## RESOLVE ALLOWING 35/ TO JOS MARION.

AN ACCOMPT presented by Joseph Marion of Writing done for the publick this present Session Amounting to the Sum of £1. 15.

[Read and]

*Resolved* that the Sum of Thirty five Shillings be Allowed and paid out of the publick Treasury to the Accountant Joseph Marion in full Discharge thereof. [*Passed June 24.*]

Legislative  
Records of the  
Council, xlii.,  
191.  
House Jour-  
nal, p. 66.

## CHAPTER 121.

RESOLVE ALLOWING £360 TO M<sup>R</sup> PRESID<sup>T</sup> WADSWORTH.

*Resolved* that the Sum of three Hundred and Sixty pounds be allowed and paid out of the publick Treasury to the Reverend M<sup>r</sup> Benjamin Wadsworth President of Harvard College in Cambridge to enable him to Manage the the<sup>1</sup> Weighty and Important Affairs of that Society the Year Current, The Money to be paid him Quarterly. [*Passed June 25.*]

Legislative  
Records of the  
Council, xlii.,  
193.  
House Jour-  
nal, p. 69.

## CHAPTER 122.

RESOLVE ALLOWING £250 TO M<sup>R</sup> TREA<sup>R</sup> ALLEN.

*Resolved* That the Sum of two Hundred and fifty Pounds, be allowed and paid out of the publick Treasury to Jeremiah Allen Esq<sup>r</sup> Treasurer of this Province for his Service in the Year past in the Treasury. [*Passed June 25.*]

Legislative  
Records of the  
Council, xlii.,  
193.  
House Jour-  
nal, p. 69.

<sup>1</sup> *Sic.*

## CHAPTER 123.

Legislative  
Records of the  
Council, xiii.,  
133.

Executive  
Records of the  
Council, viii.,  
409. House  
Journal, p. 63.

RESOLVE ALLOWING £30 TO M<sup>r</sup> WAINWRIGHT CLERK OF THE HOUSE.

*Resolved*, That the Sum of Thirty Pounds be allowed and paid out of the publick Treasury to John Wainwright Esq<sup>r</sup> Clerk of the House in part for his Service y<sup>e</sup> Year Curr<sup>t</sup>. [*Passed \* June 25.*]

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## CHAPTER 124.

RESOLVE ALLOWING £6. 19 TO BEN: ROLFE.

Legislative  
Records of the  
Council, xiii.,  
133.

House Jour-  
nal, p. 68.

AN ACCOUNT presented by Benjamin Rolfe of Writing done for the publick, Amounting to the Sum of £6. 19.

[Read and]

*Resolved* That the Sum of Six Pounds Nineteen Shillings be allowed and paid out of the publick Treasury to y<sup>e</sup> Account<sup>t</sup> Benj<sup>a</sup> Rolfe in full Discharge thereof. [*Passed June 25.*]

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## CHAPTER 125.

RESOLVE ALLOWING £10. 18. 6 TO REB: HOLMS.

Legislative  
Records of the  
Council, xiii.,  
133.

House Jour-  
nal, p. 67.

AN ACCOUNT presented by Rebecca Holmes of Entertainment given to Several Committees of the General Court the last Session after her giving in her last Acco<sup>t</sup> And for Entertainment of divers Committees at this present Session, Amounting to the Sum of £10. 18. 6.

[Read and]

*Resolved* that the Sum of Ten pounds Eighteen Shillings and Six pence be Allowed and paid out of the publick Treasury to the Accomptant Rebecca Holmes in full Discharge of the Said Account. [*Passed June 25.*]

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## CHAPTER 126.

RESOLVE ALLOWING 40. TO ZECH<sup>a</sup> TRESCOT.

Legislative  
Records of the  
Council, xiii.,  
133.

House Jour-  
nal, p. 67.

AN ACCOUNT of Zechariah Trescot of the Time and Expences of two Indians for Carrying him to Fort George at Brunswick Amounting to the Sum of £2.

[Read and Accepted, and]

*Resolved* that the Sum of Forty Shillings be allowed and paid out of the publick Treasury to the Accomptant Zechariah Trescot in full Discharge thereof. [*Passed June 25.*]

## CHAPTER 127.

RESOLVE ALLOWING 49/ TO CAPT: PETER OLIVER.

AN ACCOMPT presented by Capt Peter Oliver of Horse Hire and other Expences in a Journey from Boston to Falmouth by Order of His Honour the Lieut: Governour Amounting to the Sum of £3. 9.

Legislative  
Records of the  
Council, xiii.,  
194.

[Read and Accepted, and]

House Jour-  
nal, pp. 60, 67.

*Resolved* that the Sum of Forty Nine Shillings be allowed and paid out of the publick Treasury to the Said Capt: Peter Oliver in full Discharge thereof. [*Passed June 25.*]

## CHAPTER 128.

RESOLVE DISCHARGING Y<sup>E</sup> TRUSTEES OF Y<sup>E</sup> £50,000 LOAN.

AN ACCOMPT of the Trustees for letting out the Loan of £50,000 from November 28, 1724, to May 23, 1726, Whereby it appears that they have received of Sundry Persons the Sum of £2,784. 8. 10 of the Principal and £1,412. 10. 4 Interest Money Including £225 Interest of M<sup>r</sup> Ushers Mortgage and have paid into the Treasury the Sum of £3,284. 8. 10 (Including the £500 lent M<sup>r</sup> Usher) of the Principal and £1,359. 19. 4 of the Interest Money including M<sup>r</sup> Ushers Interest, and Accompt for the Remainder of the Interest as follows Viz, £6. 1 Charges of Law Suits, And £46. 10 their due by Law.

Legislative  
Records of the  
Council, xiii.,  
194.

House Jour-  
nal, p. 68.  
Province  
Laws, x., 679,  
chap. 285.

Read and Accepted &

*Resolved* That the Trustees the Accomptants be and hereby are Discharged of the Said Sum of Three thousand two Hundred Eighty four pounds eight Shillings and ten pence of the Principal, And the Sum of One Thousand four Hundred and twelve pounds ten Shillings & four pence Interest of the Said Loan accordingly. [*Passed June 25.*]

## CHAPTER 129.

ORDER FOR PROVIDING FOR Y<sup>E</sup> L<sup>T</sup> GOV<sup>RS</sup> VOYAGE EASTWARD.

*Ordered* that the Treasur<sup>r</sup> be directed to Wait on His Honour the Lieut<sup>t</sup> Govern<sup>r</sup> To know of him what Number of y<sup>e</sup> Members of the Court and other Gentlemen as well as what Guard His Honour designs to Attend & wait on him at the Ratification of the late Treaty with the Indians to be held by His Honours Direction the fifteenth of the next Month at Casco, And that the Treasurer be thereupon and is hereby further directed to provide and lay in the Necessary and convenient Stores and Supplies accordingly. [*Passed June 25.*]

Legislative  
Records of the  
Council, xiii.,  
194.

House Jour-  
nal, p. 61.  
*Ante*, p. 46,  
chap. 114.

## CHAPTER 130.

ORDER CREDITING CAP: PETER OLIVER WITH PROVINCE ARMS.

A PETITION of Capt Peter Oliver, Praying that the Commissary may be directed to give him Credit for two Province Arms which he is charged with, Having delivered them to two Souldiers who afterwards Deserted,

Legislative  
Records of the  
Council, xiii.,  
195.

House Jour-  
nal, p. 67.

Carrying the Said Arms with them, and not having Wages Sufficient to Satisfie for the Said Arms due to them on the Muster Roll.

Read and [Accepted, and]

*Ordered* that the Commissary be directed to give the Said Oliver Credit in his Account for the Province Arms, within Mentioned. [*Passed June 25.*]

## CHAPTER 131.

RESOLVE ALLOWING £400 TO HIS HON<sup>R</sup> Y<sup>E</sup> LIEUT. GOVERN<sup>R</sup>.

Legislative  
Records of the  
Council, xiii.,  
195.

House Jour-  
nal, p. 69.

*Resolved* that the Sum of four Hundred Pounds be Allowed and paid out of the publick Treasury to His Honour William Dummer Esq<sup>r</sup> Lieut<sup>t</sup> Governour & Commander in Chief of this His Majesties Province for his Support; to Enable him to Manage the Affairs of the Government. [*Passed June 27.*]

## CHAPTER 132.

VOTE FOR COMM<sup>RS</sup> TO SETTLE Y<sup>E</sup> LINE WITH COM<sup>RS</sup> FROM NEW HAMPSHIRE.

Legislative  
Records of the  
Council, xiii.,  
194, 195.

Legislative  
Records of the  
Council, xiii.,  
134. House  
Journal, p. 71.  
Province  
Laws, x., 414,  
chap. 394.

IN COUNCIL, For Accommodating the Matters in Difference between this Government and the Government of New Hampshire respecting the Line between the two Provinces;

*Ordered* that Commissioners be Chosen and Appointed by this Government To meet with Commissioners from the Said Government of New Hampshire to adjust and fully Issue the Said Difference their Agreement thereon to be laid before the respective General Assemblies of the Said Provinces for their Confirmation; and that upon Such Confirmation of the Said General Assemblies his Majesty be humbly Addressed by both Governments for his Royal Approbation.

IN THE HOUSE OF REPRESENTATIVES Read and Concur'd, And

*Ordered* William Dudley Jonathan Remington Esq<sup>rs</sup> M<sup>r</sup> Thomas Cushing and Timothy Lindal Esq<sup>r</sup> with Such as the Hon<sup>ble</sup> Board Shall Appoint be the Commiss<sup>rs</sup> to Manage the Affair proposed in the within Vote. IN COUNCIL Read and Concur'd, And Nath<sup>l</sup> Byfield Addington Davenport and Thomas Fitch Esq<sup>rs</sup> are Added to the Commissioners of the House for the Affair aforesaid. [*Passed June 28.*]

## CHAPTER 133.

RESOLVE FOR AN ENCOURAGEM<sup>T</sup> ON Y<sup>E</sup> MANUFACT<sup>R</sup> OF CANVAS.

Legislative  
Records of the  
Council, xiii.,  
196.

House Jour-  
nal, pp. 72, 74.

*Resolved* that for the Space of Seven Years next coming there be allowed and paid out of the publick Treasury a Bounty of Twenty Shillings to the Manufacture[r] of each Piece of Duck or Canvas, that Shall be Thirty Six Yards long, thirty Inches Wide, of a good even Thread, well drove, and of a good bright Colour, being made within this Province, And wrought wholly of good Strong water rotted Hemp or Flax of the Growth of New England, Each of which Pieces of Duck or Canvas Shall weigh at least Forty five pounds And the Manufacturer Shall be entituled to Such Bounty for all Such pieces



as Shall pass the Survey of Such Persons as Shall be appointed by this Court to Survey and Seal or Sufficiently marke the Same (which Surveyours Shall be under Oath for the true and faithful Performance of their Office) upon Certificates to be produced to the Treasurer of this Province for the Time being, who is hereby Order'd and Directed to pay the Said Bounty accordingly. [*Passed June 28.*]

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## CHAPTER 134.

VOTE FOR WRITING TO Y<sup>E</sup> AGENT ON THE AFFAIR OF PENNICOOK.

### IN COUNCIL

*Voted* That a Letter be prepared to be Sent to M<sup>r</sup> Agent Dummer, Advising him that this Court apprehend the Neighbouring Government of New Hampshire are or may be Sending Home a Complaint against a Grant of Land for a Township at Pennycook on Merrimack River within this Province lately made and pass'd by this Government, And that he take effectual Care to Answer any Such Complaint, And to enable him to justify this Court in their proceedings on that Affair, That he be furnished with Such Records Papers and other Matters as any Ways relate thereto, And that he be Acquainted with the Measures taken by this Court to Adjust the Difference between the two Provinces as to the Line or Boundary, & that Nathaniel Byfield Addington Davenport and Paul Dudley Esq<sup>rs</sup> with Such as the House of Representatives Shall appoint be a Committee for the Said Service.

Legislative  
Records of the  
Council, xiii.,  
197.

House Jour-  
nal, pp. 71, 72.  
*Ante*, p. 48,  
chap. 117; p. 52,  
chap. 132.

### IN THE HOUSE OF REPRESENTATIVES

Read and Concur'd, and

*Ordered* that M<sup>r</sup> Ezekiel Lewis, Joseph Wadsworth John Ballantine & Charles Chambers Esq<sup>rs</sup> be added to the Committee of the Hon<sup>ble</sup> Board in y<sup>e</sup> Affair. [*Passed June 28.*]

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## CHAPTER 135.

RESOLVE ALLOWING 4/ PER DAY TO W<sup>M</sup> DUDLEY ESQ<sup>R</sup> SPEAKER.

*Resolved* that there be allowed and paid out of the Publick Treasury after the Rate of four Shillings<sup>1</sup> per Diem for every Day of the Present Session of this Court upon Certificate from the Clerk of the House, to the Hon<sup>ble</sup> William Dudley Esq<sup>r</sup> Speaker of the House in Consideration of his Constant Application in Dispatching the publick Affairs of the Province. [*Passed June 28.*]

Legislative  
Records of the  
Council, xiii.,  
197.

House Jour-  
nal, p. 69.  
*Ante*, p. 18,  
chap. 34.

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## CHAPTER 136.

RESOLVE ALLOWING £35 TO RICH<sup>D</sup> HUBBARD.

*Resolved* that the Sum of Thirty five Pounds be allowed and paid out of the publick Treasury to M<sup>r</sup> Richard Hubbard Door keeper to His Honour the Lieut Govern<sup>r</sup> and this Court for his Service half a Year, which will determine the 19<sup>th</sup> Day of August next. [*Passed June 28.*]

Legislative  
Records of the  
Council, xiii.,  
197.

House Jour-  
nal, p. 69.

<sup>1</sup> The House Journal reads, 5/.

## CHAPTER 137.

RESOLVE ALLOWING £5. 10 TO NATH<sup>L</sup> DONNEL.Legislative  
Records of the  
Council, xiii.,  
197.House Jour-  
nal, p. 52.

AN ACCOMPT presented by Nathaniel Donnel of the Charge of Lodging, Dieting and Firing for Benjamin Solomon a wounded Indian in the publick Service under Capt Moulton, Amounting to the Sum of £5. 10.

[Read and]

*Resolved* that the Sum of Five pounds ten Shillings be allowed and paid out of the publick Treasury to the Accomptant Nathaniel Donnel in full Discharge of this Accompt. [*Passed June 28.*]

## CHAPTER 138.

VOTE FOR REPAIRS OF THE DWELLING HOUSE.

Legislative  
Records of the  
Council, xiii.,  
197.House Jour-  
nal, p. 72.  
*Ante*, p. 38,  
chap. 94.

*Voted* that the Committee for Effecting the Repairs at the Light House be further Directed to take Care of any further Repairs for the Dwelling House, and for the better Securing of the Light House. [*Passed June 28.*]

## CHAPTER 139.

VOTE TO ENCOURAGE VOLUNT<sup>ERS</sup> TO ATTEND YE LT<sup>T</sup> GOV<sup>R</sup> EASTW<sup>D</sup>.Legislative  
Records of the  
Council, xiii.,  
198.House Jour-  
nal, p. 73.  
*Ante*, p. 51,  
chap. 129.

THE SECRETARY went down to the House on the following Message from His Honour the Lieutenant Governour.

Gentlemen of the House of Representatives I Shall give Orders for the raising a Company of Sixty men besides Officers to attend me to the Eastward at the design'd Ratification And it being most Convenient to raise Voluntiers for this Service (w<sup>ch</sup> will be but for a Short Time) and that none but good Men be enlisted, I desire you will give Such Encouragement as is Necessary, And as may prevent the Charge and Trouble of an Impress.

Sign'd

W<sup>M</sup> DUMMER

Read and

*Resolved* that there be allowed and paid out of the publick Treasury to each effective Voluntier that Shall enlist to Wait on his Honour the Lieut: Govern<sup>r</sup> Eastward the Sum of two Shillings p<sup>d</sup> Diem besides Subsistence, And so in proportion to the Officers of the Guard, And that his Honour be desired to give Orders that the Voluntiers return after the Design'd Ratification is over. [*Passed June 28.*]

## CHAPTER 140.

RESOLVE ALLOWING £13. 10 TO ROB<sup>T</sup> STANIFORD.Legislative  
Records of the  
Council, xiii.,  
198.

AN ACCOMPT presented by Robert Staniford of his Time and Charges in Carrying divers Indians Witnesses from Plimouth to York to attend the Court there, Amounting to the Sum of £16. 9.

[Read, and Accepted and]

*Resolved* that the Sum of Thirteen Pounds ten Shillings be allowed and paid out of the publick Treasury to the Accomptant Robert Staniford in full Discharge of the Said Accompt, First deducting Six Pounds Advanced by M<sup>r</sup> Secretary Willard. [*Passed June 28.*]

House Journal, p. 23.  
*Ante*, p. 42,  
chap. 104.

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## CHAPTER 141.

RESOLVE ALLOWING £13. 6. 2 TO L<sup>t</sup> JOHN LARRABEE.

AN ACCOMPT presented by Lieut: John Larrabee of Work done by Several Trades Men, at His Majestys Castle William with Materials by them furnished, Amounting to the Sum of £13. 6. 2 as by the Said Trades Mens Bills.

Legislative  
Records of the  
Council, xiii.,  
200.

[Read, and]

*Resolved*, That the Sum of Thirteen Pounds Six Shillings and two pence be allowed & paid out of the publick Treasury to the Accomptant John Larrabee to be by him repaid to whom it is respectively due in full Discharge thereof. [*Passed June 28.*]

House Journal, p. 52.

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## CHAPTER 142.

RESOLVE ALLOWING £3 TO COLL<sup>o</sup> ELEAZ<sup>r</sup> TYNG.

AN ACCOMPT presented by Coll<sup>o</sup> Eleazar Tyng of the Charge of keeping Old Christians Squaw from Novem<sup>r</sup> 6, to Jan<sup>ry</sup> 28. 1725 Amounting to the Sum of £3.

Legislative  
Records of the  
Council, xiii.,  
200.

[Read, and Accepted and]

*Resolved* that the Sum of three Pounds be allowed and paid out of the publick Treasury to the Accomptant Coll<sup>o</sup> Eleazar Tyng in full Discharge thereof. [*Passed June 28.*]

House Journal, p. 27.

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## CHAPTER 143.

RESOLVE ALLOWING £17 TO ELEAZ<sup>r</sup> ROGERS.

A PETITION of Eleazar Rogers of Plimouth, Praying an allowance from this Court for Several Grievous Wounds he has receiv'd from the French and Indians at a place called Winnegance in the Eastern Country, whereby he is wholly disabled from doing any thing for his Support.

Legislative  
Records of the  
Council, xiii.,  
200.

Read and [Accepted and]

*Resolved* That the Sum of Seven Pounds be Allowed and paid out of the publick Treasury to the Said Eleazar Rogers Annually by Way of Stipend and that the further Sum of Ten Pounds be allowed and paid out of the publick Treasury now to the S<sup>d</sup> Eleazar Rogers in Consideration of his great Indisposition & Lameness occasion'd by the Said Wounds. [*Passed June 28.*]

House Journal, p. 21.

## CHAPTER 144.

ORDER ALLOWING £21. 15 TO THE COMMITTEE ON THE COMPLAINTS  
OF THE NANTUCKET INDIANS.

Legislative  
Records of the  
Council, xiii.,  
201.

House Jour-  
nal, p. 59.  
Province  
Laws, x., 666,  
chap. 251.

AN ACCOMPT presented by John Otis Esq<sup>r</sup> of the Time and Expence  
of the Committee of this Court appointed to repair to Nantucket & Con-  
sider the Complaints of the Indians, Amounting to the Sum of £21. 15.

Read and

*Ordered* that the English Inhabitants on the Island of Nantucket  
be and hereby are Directed to pay to Coll<sup>o</sup> John Otis the Sum of Ten  
Pounds Seventeen Shillings and Six Pence. And that the Said Joseph  
Meador in Behalf of the Indian Inhabitants be and hereby is Ordered  
and Directed to pay to the Said Coll<sup>o</sup> John Otis the further Sum of  
Ten Pounds Seventeen Shillings & Six Pence; Which is by the Said  
Coll<sup>o</sup> John Otis to be paid to the Persons to whom it is respectively  
due in full Discharge of the Said Accompt. [*Passed June 28.*]

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-FOURTH DAY OF AUGUST, A.D. 1726.

## CHAPTER 145.

RESOLVE ALLOWING £10 TO ANDREW ANDROSS.

A PETITION of Andrew Andrews (a Seaman on board the Sloop Dragon a Transport lately in the Service of this Province Eastward) praying an Allowance out of the Publick Treasury in Consideration of his Thumb's being Shot off, while he was loading a great Gunn on Board the Said Sloop, and that his Doctors Bill may be paid.

Legislative  
Records of the  
Council, xlii.,  
203.

House Jour-  
nal, p. 3.

Read and

*Resolved* that the Sum of Ten Pounds be allowed and paid out of the publick Treasury to the Petitioner Andrew Andross to Enable him to pay the Charge he is at occasioned by y<sup>e</sup> Wound within mention'd; & that the Petition be refer'd to the Next Session of this Court for further Consideration. [*Passed August 25.*]

## CHAPTER 146.

ORDER RENEWING THE LICENCE OF FRANCES WARDELL.

A PETITION of Frances Wardell of Boston Widow, Shewing that Whereas She had a Licence to Sell Strong Drink as a Tavern Keeper, for many Years past and has her Dependence for a Livelihood on that Employment, Notwithstanding her regular and inoffensive Behaviour therein the Select Men of the Town of Boston did not See Cause to Approve of her keeping a publick House, By which Means the Court Of General Sessions could not grant her a Licence, And in as much as no Charge of any Misdemeanour hath been made Out against the Petitioner, and She hath always with great Cheerfulness Served the Publick by Entertaining the Justices of the Several Courts in this County therefore praying that the Justices of the Court of General Sessions of the Peace at their Sessions in October next may be Impowered (If they think fit) to grant the Petitioner a Licence for Selling Drink, The Time by Law appointed for Renewing or Granting Licences being Elapsed Notwithstanding.

Legislative  
Records of the  
Council, xlii.,  
203.

House Jour-  
nal, p. 5.  
Province  
Laws, ii., 401,  
chap. 11.

Read and

*Ordered* that the Prayer of the Petition be Granted And that the Justices of the Peace for the County of Suffolk be & hereby are Impowered at their Next General Sessions of the Peace to be held in October next to renew the Petitioners Licence (If they see Cause) Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed August 26.*]

## CHAPTER 147.

RESOLVE ALLOWING £8. 13. 4 TO CAPT. LITTLE.

Legislative  
Records of the  
Council, xiii.,  
204.House Jour-  
nal, p. 3.

AN ACCOMPT presented by Capt. Thomas Little late Commander of the Sloop Loyal Heart in His Majestys Service of Sundry Expences at Boston and Marblehead, Amounting to the Sum of £8. 13. 4.

[Read and Accepted, and]

*Resolved* that the Sum of Eight pounds thirteen Shillings and four Pence be allowed and paid out of the publick Treasury to the Said Capt Thomas Little in full Discharge thereof. [*Passed August 26.*]

## CHAPTER 148.

RESOLVE ALLOWING £59. 1. 7 FOR PRESENTS TO THE INDIANS.

Legislative  
Records of the  
Council, xiii.,  
204.Legislative  
Records of the  
Council, xiii.,  
202. House  
Journal, pp.  
3, 4.

AN ACCOMPT presented by Stephen Minot Esq<sup>r</sup> of Red Cloth. Stuff Linnen &c. by him provided by Order of the Governm<sup>t</sup> for a Present to y<sup>e</sup> Indians at the Ratification of the Peace, Amounting to y<sup>e</sup> Sum of £59. 1. 7.

[Read and Accepted, and]

*Resolved* that the Sum of Fifty Nine Pounds one Shillings and Seven pence be allowed & paid out of the publick Treasury to Coll<sup>o</sup> Stephen Minot in full Discharge of y<sup>e</sup> S<sup>d</sup> Accompt. [*Passed August 26.*]

## CHAPTER 149.

RESOLVE ALLOWING £13. 14. 8 TO SAM<sup>LE</sup> GERRISH.Legislative  
Records of the  
Council, xiii.,  
204.House Jour-  
nal, p. 4.

AN ACCOMPT presented by Samuel Gerrish Book Seller, of y<sup>e</sup> Charge of printing the Rev<sup>d</sup> M<sup>r</sup> Peter Thatcher's Election Sermon, together with Paper and Stitching, Amounting to the Sum of £13. 14. 8.

[Read and]

*Resolved* That the Sum of Thirteen Pounds fourteen Shillings & Eight Pence be Allowed and paid out of the publick Treasury to y<sup>e</sup> Accompt<sup>t</sup> Sam<sup>l</sup> Gerrish, in full Discharge thereof. [*Passed August 26.*]

## CHAPTER 150.

RESOLVE ALLOWING 50/ TO JOHN WOODBRIDGE.

Legislative  
Records of the  
Council, xiii.,  
204.House Jour-  
nal, p. 4.

AN ACCOMPT presented by John Woodbridge of York, for the Charges of the Sickness of Andrew Baxter a Soldier in his Majestys Service Eastw<sup>d</sup> under Capt Jeremiah Moulton, Amounting to the Sum of £3. 10.

[Read and]

*Resolved* that the Sum of Fifty Shillings be Allowed & paid out of the publick Treasury to y<sup>e</sup> Accompt<sup>t</sup> John Woodbridge or his Order in full Discharge thereof. [*Passed August 26.*]

## CHAPTER 151.

## RESOLVE ALLOWING £3. 1 TO CAP JOHN PENHALLOW.

AN ACCOUNT presented by Capt John Penhallow, of the Charge of mending Province Arms, And of Transporting two Penobscot Indians left at Arrowsick and of Cloathing and Provisions given them Amounting to the Sum of £3. 1.

Legislative  
Records of the  
Council, xiii.,  
204.

House Jour-  
nal, p. 5.

[Read, and Accepted and]

*Resolved* that the Som of Three Pounds and one Shilling be allowed and paid out of the publick Treasury to the Accomptant John Penhallow in full Discharge thereof. [*Passed August 26.*]

## CHAPTER 152.

ORDER ON PETITION OF THE NORTH & WEST INHABIT<sup>TS</sup> OF FRAMINGHAM IN REGARD TO LOCATION OF MEETING HOUSE.

A PETITION of the Northern and Western Inhabitants of the Town of Framingham Shewing, that Whereas this Court were pleased at their last Session to pass an Order for making Void a former Order on the Report of the Committee, Directing the Place for Setting up the Meeting House in the Said Town, The Inhabitants have Since made many Essays to come to an Agreement upon that Matter, but without any Prospect of Success, And it being probable that the People in the Said Town will be thrown into great Contentions and Confusions, If the Meeting House Should be placed according to the Vote of the Said Town, Therefore praying that another Committee may be Appointed to View the Said Town and Report the Place for Setting the Meeting House on, or otherwise that the Petitioners may be Sett off a Seperate and Distinct Precinct.

Legislative  
Records of the  
Council, xiii.,  
205.

House Jour-  
nal, p. 4.  
*Ante*, p. 23,  
chap. 48.

Read and Refer'd to the Next Session of this Court for further Consideration, And that in the mean Time the Petitioners Serve the Town of Framingham with a Copy of this Petition, That they Shew Cause (if any they have) the first Tuesday of the Said Session, Why the Prayer thereof Should not be Granted, and the Justices of the Inferiour Court of Common Pleas next to be holden at Concord for the County of Middlesex are hereby Impowered and Directed to Continue over to the then Next Inferiour Court of Common Pleas to be holden in and for the County of Middlesex any Action or Actions that may be then brought to the Said Court at Concord respecting the Said Meeting House or Place for Erecting the Same on, Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed August 26.*]

## CHAPTER 153.

ORDER ON Y<sup>E</sup> PET<sup>N</sup> OF Y<sup>E</sup> PROPRIET<sup>RS</sup> OF DUNSTABLE, GRANTING A NEW TRIAL.

A PETITION of Joseph Blanchard and Samuel French in Behalf of the Proprietors of the Town of Dunstable Shewing that Whereas this Court at their Session in November last were pleased to allow them

Legislative  
Records of the  
Council, xiii.,  
205.

House Journal, p. 6.  
Province  
Laws, x., 706,  
chap. 365.

a new Trial of an Action commenced by Eleazer Tyng Esq<sup>r</sup> at the Inferiour Court of Common Pleas for the County of Middlesex in which he Obtained Judgment by Default against the Said Proprietors for Four Hundred and forty Acres of Land, At the Said Tryal the Said Eleazer Tyng recovered Judgment against [them] at y<sup>e</sup> Infer<sup>r</sup> Court, because the Justices Warr<sup>t</sup> for calling a Propriet<sup>rs</sup> Meeting (at W<sup>ch</sup> they chose Agents to Defend the S<sup>d</sup> Cause) was not Sealed, Which Judgment against the Said Propriet<sup>rs</sup> was Confirmed at the last Superiour Court for the Said County, and for as much as the S<sup>d</sup> Eleazer Tyng has no just Cause of Action as may be made to Appear when the Matter Shall be tried upon the Merits, Therefore praying Relief from this Court, and that they may be Admitted to a new Tryal of the Said Cause.

Read and

*Ordered* that the Prayer of y<sup>e</sup> Petition be Granted, and that the Petitioners be admitted to a new Tryal of the Action mentioned in the Petition at the next Inferi<sup>r</sup> Court of Common Pleas for the County of Middlesex to be held in Dec<sup>r</sup> next, and the Justices of the Said Court are hereby Directed and Impowered to hear and Determine the Said Cause accordingly And that Execution be Staid in the mean Time, Any Law Usage or Custom to y<sup>e</sup> Contrary Notwithstanding; Provided the Petition<sup>rs</sup> Serve the Adverse Party with a Copy of this Order at least fourteen Days before the Sitting of the Said Court. [*Passed August 26.*]

## CHAPTER 154.

RESOLVE ALLOWING PAYMENT OF THE MUSTER ROLL OF THE SLOOP LOYAL HEART.

Legislative  
Records of the  
Council, xiii.,  
206.

Suffolk Ct.  
Files, 26283.  
House Journal,  
p. 3.  
*Ante*, p. 58,  
chap. 147.

A MUSTER ROLL of the Company in his Majestys Service under the Command of Capt: Thomas Little on Board the Sloop Loyal Heart fitted out by this Governm<sup>t</sup> against the Pyrates, Containing an Account of Wages due to the Said Company for their Service from June 29<sup>th</sup> 1726, to y<sup>e</sup> 22<sup>d</sup> of July following, Amounting to y<sup>e</sup> Sum of £153. 9. 4.

[Read and Accepted, and]

*Resolved* that the Sum of One Hundred fifty three pounds Nine Shillings & four pence be allowed and paid out of the publick Treasury to the Said Capt: Thomas Little to be by him paid to the Officers and Soldiers born on this Roll to whom the Same is due in full Discharge thereof. [*Passed August 26.*]

## CHAPTER 155.

RESOLVE ALLOWING PAYMENT ON SERG<sup>t</sup> JA: PARKER'S MUSTER ROLL.

Legislative  
Records of the  
Council, xiii.,  
206.

House Journal,  
p. 3.

A MUSTER ROLL of the Company in His Majestys Service at North Yarmouth under the Command of Serg<sup>t</sup> James Parker, Containing an Acco<sup>t</sup> of Wages due to them for their S<sup>d</sup> Service from Jan<sup>ry</sup> 18<sup>th</sup> 1725, to August 22, 1726, Amounting to the Sum of £82. 13. 4.

[Read, and Accepted and]

*Resolved*, that the Sum of Eighty Pounds and twelve Shillings be allowed & paid out of the publick Treasury, to the Officer and Soldiers born on this Roll to whom the Same is Due in full Discharge of the Wages thereof. [*Passed August 26.*]



## CHAPTER 156.

RESOLVE ALLOWING PAYMENT ON CAPT JN<sup>o</sup> PENHALLOWS MUSTER ROLL.

A MUSTER ROLL of the Company in His Majestys Service Eastw<sup>d</sup> under the Command of Capt John Penhallow, Containing an Accompt of Wages due to the Said Company for their Said Service from Nov<sup>r</sup> 16, 1725 to the 25<sup>th</sup> of August 1726, Amounting to the Sum of £312. 3. 2. [Read, and Accepted and]

Legislative  
Records of the  
Council, xiii.,  
207.

House Jour-  
nal, p. 5.

*Resolved*, That the Sum of Three Hundred and Eight pounds one Shilling and two pence be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll to whom the Same is due (agreeable to the Committee's Report) in full Discharge of the Wages thereof. [*Passed August 27.*]

## CHAPTER 157.

## RESOLVE ALLOWING PAYMENT ON THE MUSTER ROLL, OF SLOOP DRAGON.

A MUSTER ROLL of the Company in His Majestys Service under the Command of Capt: Richard Langdon, on Board the Sloop Dragon a Transport Eastward, Containing on Accompt of Wages due to them for their Service from the 27<sup>th</sup> of June 1726, to the 18<sup>th</sup> of August following, Amounting to the Sum of £101. 4. 10 together with the Hire of the Said Sloop the Said Time, Charged at the Sum of £130.

Legislative  
Records of the  
Council, xiii.,  
207.

House Jour-  
nal, p. 6.

[Read and Accepted, and]

*Resolved* That the Sum of One Hundred and One Pounds four Shillings and Ten pence be allowed & paid out of the publick Treasury to the Officers & Sailors born on the within Roll in full Discharge of the Wages thereof, And that the further Sum of Eighty five pounds be also allowed and paid out of the publick Treasury to the Owner of the Said Sloop Dragon or his Order in full Discharge of the Sloop Hire. [*Passed August 27.*]

## CHAPTER 158.

## RESOLVE ALLOWING PAYMENT ON THE MUSTER-ROLL OF THE SLOOP SUSANNAH.

A MUSTER ROLL of the Company in His Majestys Service under the Command of Capt: John Robinson on Board the Sloop Susannah a Transport Eastward Containing an Accompt of Wages due to them for their Service from June 23<sup>d</sup> 1726, to y<sup>e</sup> 18<sup>th</sup> of August following amounting to the Sum of £100. 10. 3 Together with the Hire of y<sup>e</sup> S<sup>d</sup> Sloop y<sup>e</sup> S<sup>d</sup> Time, Charged at y<sup>e</sup> Sum of £130.

Legislative  
Records of the  
Council, xiii.,  
207.

House Jour-  
nal, pp. 5, 6.

[Read, and Accepted and]

*Resolved* That the Sum of One Hundred pounds ten Shillings and three pence be allowed and paid out of the publick Treasury to the Officers and Sailors born on the within Roll in full Discharge of the Wages thereof, And that the further Sum of One Hundred pounds be Allowed and paid out of the publick Treasury to the Owners (or their

lawful Representatives) of the Said Sloop Susannah in full Discharge of the Sloop Hire and Damages done in the Loading &c. [*Passed August 27.*]

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## CHAPTER 159.

### RESOLVE ALLOWING £15 TO CAPT: THO: LITTLE.

Legislative  
Records of the  
Council, xiii.,  
207.

House Jour-  
nal, p. 7.  
*Ante*, p. 60,  
chap. 154.

WHEREAS Capt Thomas Little Commander of the Sloop Loyal Heart lately employed in His Majestys Service against y<sup>e</sup> Pyrates has faithfully and worthily acquitted himself in the Said Charge and handsomely asserted and Defended the Honour of his Majestys Government of this Province, And of the Commission he has born under his Honour the Lieutenant Governour, Notwithstanding the Violent Opposition given him by Capt: Cornwall, Commander of his Majest<sup>y</sup> Ship Sheerness upon this Station.

*Resolved* That the Sum of Fifteen Pounds be allowed & paid out of the publick Treasury to Capt: Thomas Little in Consideration of his Services within mentioned. [*Passed August 27.*]

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## CHAPTER 160.

### VOTE ACCEPTING THE COMMITTEES REPORT ON Y<sup>E</sup> LIEUT GOV<sup>RS</sup> SPEECH; 5 P CENT: ONLY ON INDIAN TRADE: NO SETTLEM<sup>TS</sup> IN Y<sup>E</sup> COUNTY OF YORK. TO Y<sup>E</sup> EAST OF N<sup>O</sup> YARMOUTH.

Legislative  
Records of the  
Council, xiii.,  
208.

Legislative  
Records of the  
Council, xiii.,  
202 *his.* House  
Journal, pp. 2,  
8. Province  
Laws, x., 723,  
chap. 416.

PENN TOWNSEND Esq<sup>R</sup> from the Committee of both Houses on his Hon<sup>r</sup> the Lient: Govern<sup>rs</sup> Speech. made Report. Which with an Amendment was accepted by both Houses. and as amended is as follows. Viz<sup>t</sup>:

The Committee appointed to take into Consideration his Hon<sup>r</sup> the Lieut: Governours Speech are of Opinion, That five per Cent: and no more be Advanced on the Goods and Liquors which Shall be purchased for Supplying the Indians, That so all other Traders may be prevented, and the Indians have their Dependence for Necessarys on this Government.

And whereas the Indians have once and again been promised relating to their Claims of Lands in the Eastward Parts; Which being a Matter of great Consequence, and may take up much Time, And the Countrey Affairs requiring the Members of the Court being at being at<sup>1</sup> home, That it may be proper to refer the further Consideration thereof to the next Session of this Court, And that in the mean Time, no Settlements be made in the County of York to the Eastward of y<sup>e</sup> Township of North Yarmouth in Caseo Bay. [*Passed August 27.*]

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## CHAPTER 161.

### RESOLVE ALLOWING PAYMENT ON CAP: JOS: HEATHS MUSTER ROLL.

Legislative  
Records of the  
Council, xiii.,  
208.

House Jour-  
nal, p. 5.

A MUSTER ROLL of the Company in His Majestys Service Eastward under the Command of Capt: Joseph Heath, Containing an Acco<sup>t</sup> of Wages due to them for their Service from the 10<sup>th</sup> of Novem<sup>r</sup> 1725 to the 23<sup>d</sup> of August 1726, Amounting to the Sum of £588. 4. 10.

[Read &amp; Accepted &amp;]

*Resolved* that the Sum of Five Hundred Eighty Six pounds two Shillings & four pence be allowed & paid out of y<sup>e</sup> publick Treasury to y<sup>e</sup> Officers & Soldiers born on y<sup>e</sup> S<sup>d</sup> Roll in full Discharge of y<sup>e</sup> Wages thereof; Agreeable to y<sup>e</sup> Comm<sup>tees</sup> Report. [*Passed August 27.*]

## CHAPTER 162.

RESOLVE ALLOWING £100 TO HIS HON<sup>R</sup> Y<sup>E</sup> L<sup>T</sup> GOVERN<sup>R</sup>.

*Resolved* that y<sup>e</sup> Sum of One Hundred Pounds be allowed & paid out of the publick Treasury to His Hon<sup>r</sup> William Dummer Esq<sup>r</sup> Lient: Govern<sup>r</sup> & Commander in Chief of this His Majestys Province with the Sincere & hearty Thanks of this Court to his Hon<sup>r</sup> for his good Service's at y<sup>e</sup> Ratification of y<sup>e</sup> Peace. [*Passed August 27.*]

Legislative  
Records of the  
Council, xiii.,  
208.

Legislative  
Records of the  
Council, xiii.,  
148, 202. House  
Journal, p. 7.

## CHAPTER 163.

RESOLVE ALLOWING £6 TO JER: MOULTON.

AN ACCOMPT presented by Jeremiah Moulton Esq<sup>r</sup> Sheriff of y<sup>e</sup> County of York, for keeping Joseph Quasson an Indian Prisoner For Murder and for making a Gallows and Coffin for him, Amounting to the Sum of £11. 2. 8.

[Read and]

*Resolved* that the first Article of this Accompt, amounting to Six Pounds be allowed and paid out of y<sup>e</sup> Publick Treasury to the Accomptant Jeremiah Moulton Esq<sup>r</sup> in full Discharge thereof, The remaining part of the Accompt being a County Charge. [*Passed August 27.*]

Legislative  
Records of the  
Council, xiii.,  
208.

House Jour-  
nal, p. 8.  
*Ante*, p. 42,  
chap. 104.

## CHAPTER 164.

RESOLVE ALLOWING £339. 6. 7 TO THE COUNCIL<sup>RS</sup> & REPRESENT<sup>VES</sup> ATTENDANT ON THE LIEUT. GOV<sup>R</sup> EASTWARD.

AN ACCOMPT presented of Time and Expences of the Several Members of His Majestys Council; and of the House of Representatives who attended his Hon<sup>r</sup> the Lient: Govern<sup>r</sup> Eastward to the Ratification of the late Treaty of peace with the Indians, Amounting to the Sum of £339. 6. 7.

[Read and]

*Resolved*, That the Sum of Three Hundred thirty Nine pounds Six Shillings and Seven Pence be allowed & paid out of the publick Treasury to whom the Same is respectively due in full Discharge of the within Accompt. [*Passed August 27.*]

Legislative  
Records of the  
Council, xiii.,  
209.

House Jour-  
nal, p. 7.  
*Ante*, p. 46,  
chap. 114.  
*Infra*, chap.  
165.

## CHAPTER 165.

RESOLVE ALLOWING £8 TO M<sup>r</sup> WAINWRIGHT.

Legislative  
Records of the  
Council, xiii.,  
209.

House Jour-  
nal, p. 7.  
*Supra*, chap.  
164.

*Resolved* that the Sum of Eight Pounds be allowed and paid out of the publick Treasury to John Wainwright Esq<sup>r</sup> for his Extraordinary Service to his Honour the Lieut. Govern<sup>r</sup> and Council, at the Ratification of the Peace. [*Passed August 27.*]

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## CHAPTER 166.

RESOLVE ALLOWING £18 TO CAPT CYPRIAN SOUTHACK.

Legislative  
Records of the  
Council, xiii.,  
209.

House Jour-  
nal, p. 7.  
*Ante*, p. 51,  
chap. 129.

A MEMORIAL of Capt: Cyprian Southack, Shewing that he Officiated as Pilot of the Several Vessels that attended his Honour the Lieut: Govern<sup>r</sup> Eastward to the Ratification of the peace with the Eastern Indians and proposing that Some Suitable Recompence be made to him for the Same and for his other Services.

Read and

*Resolved*, That the Sum of Eighteen Pounds be allowed and paid out of the publick Treasury to the Memorialist Capt: Cyprian Southack in full Discharge of the Within Services. [*Passed August 27.*]

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## CHAPTER 167.

RESOLVE ALLOWING £40 TO EDWARD JOHNSON.

Legislative  
Records of the  
Council, xiii.,  
209.

House Jour-  
nal, pp. 6, 7.  
*Ante*, p. 60,  
chap. 154.

AN ACCOMPT presented by John and James Alford Factors of Edward Johnson Esq<sup>r</sup> of the Island of St Christophers of y<sup>e</sup> Hire of the Sloop Loyal Heart taken up for his Maj<sup>ty</sup> Service against the Pyrates for about the Space of a Month, Amounting to the Sum of £130.

[Read and]

*Resolved* That the Sum of Forty Pounds be allowed and paid out of the publick Treasury to the Said John & James Alford, for the Use of the Said Edward Johnson Esq<sup>r</sup> in full Discharge of the Sloop Hire. The Wages and Subsistence of the Men being already allowed. [*Passed August 27.*]

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## CHAPTER 168.

RESOLVE ALLOWING PAYMENT OF CAPT EDW<sup>d</sup> WINSLOW MUSTER ROLL.

Legislative  
Records of the  
Council, xiii.,  
209.

House Jour-  
nal, p. 8.  
*Ante*, p. 54,  
chap. 139.

A MUSTER ROLL of the Guard appointed to attend his Hon<sup>r</sup> the Lieut Govern<sup>r</sup> Eastward to the Ratification of the Treaty with the Indians under the Command of Capt Edward Winslow, Containing an Accompt of Wages due to them for their Said Service the first of July 1726, to y<sup>e</sup> 18<sup>th</sup> of August following, Amounting to the Sum of £317. 5. 2.

[Read, and Accepted, and]

*Resolved* that the Sum of three Hundred and Seventeen Pounds five Shillings and two Pence be allowed and paid out of the publick Treas-

ury to Capt: Edward Winslow to be by him paid to the Officers and Soldiers and Persons born on y<sup>e</sup> within Roll, to whom the Same is respectively due in full Discharge of y<sup>e</sup> S<sup>d</sup> Roll. [*Passed August 27.*]

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## CHAPTER 169.

RESOLVE ALLOWING PAYMENT OF £288. 18. 11 TO CAPT: EDWARD WINSLOW.

AN ACCOMPT presented by Edward Winslow Esq<sup>r</sup> of Sundry Expences for his Majestys Service Eastward at the Ratification Being for Provisions and other things, Amounting to y<sup>e</sup> Sum of £288. 18. 11.

Legislative  
Records of the  
Council, xiii.,  
210.

[Read, and Accepted, and]

*Resolved*, that the Sum of Two Hundred & Eighty Eight pounds, eighteen Shillings & Eleven pence be allowed & paid out of the publick Treasury to Capt Edward Winslow to be by him paid to whom it is due to discharge the Within Accompt. [*Passed August 27.*]

House Jour-  
nal, p. 7.  
*Ante*, p. 51,  
chap. 129.  
*Infra*, chap.  
170.

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## CHAPTER 170.

RESOLVE ALLOWING £126. 10. 6 TO CAPT: EDW<sup>d</sup> WINSLOW.

AN ACCOMPT presented by Edward Winslow Esq<sup>r</sup> of y<sup>e</sup> Services of Sundry Persons who attended his Hon<sup>r</sup> the Lieut: Govern<sup>r</sup> Eastward to y<sup>e</sup> Ratification of y<sup>e</sup> Peace with the Indians, Amounting to y<sup>e</sup> Sum of £126. 10. 6.

Legislative  
Records of the  
Council, xiii.,  
210.

[Read, and Accepted, and]

*Resolved*, That the Sum of One Hundred twenty Six pounds, Ten Shillings and Six pence be allowed and paid out of the publick Treasury to Capt Edward Winslow to be by him paid to whom the Same is respectively due in full Discharge thereof, agreeable to the within Accompt. [*Passed August 27.*]

House Jour-  
nal, p. 7.  
*Supra*, chap.  
169.

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## CHAPTER 171.

RESOLVE ALLOWING £7 TO M<sup>r</sup> WELSTEED.

*Resolved* that y<sup>e</sup> Sum of Seven Pounds be allowed and paid out of y<sup>e</sup> Publick Treasury to M<sup>r</sup> William Welsteed in Consideration of his Service<sup>1</sup> within Mentioned. [*Passed August 27.*]

Legislative  
Records of the  
Council, xiii.,  
210.

<sup>1</sup> “As a Chaplain at y<sup>e</sup> Ratification of the Treaty.” — Legislative Records of the Council, xiii., 210.

House Jour-  
nal, p. 8.

## CHAPTER 172.

ORDER DIRECTING A SUPPLY OF STORES FOR Y<sup>E</sup> BLOCK HOUSE AT ST. GEO: RIVER.Legislative  
Records of the  
Council, xiii.,  
210.AN INDENT presented by Capt. John Gyles Commander of y<sup>e</sup> Block House at S<sup>t</sup> Georges River of Sundry Stores necessary for y<sup>e</sup> Garrison there

Read and

*Ordered* that M<sup>r</sup> Treasurer be directed to Supply the Stores withing mentioned taking a Receipt for the Accompting for them.<sup>1</sup> [*Passed August 27.*]

## CHAPTER 173.

RESOLVE ALLOWING £7 TO MAJ<sup>R</sup> SAMUEL MOODEY.Legislative  
Records of the  
Council, xiii.,  
210.AN ACCO<sup>MT</sup> presented by Major Samuel Moodey of Twenty Barrells of Small Beer by him Supplied to the Lient Govern<sup>r</sup> &c. at the Ratification of the Treaty, (omitted in Capt. Winslow's Acco<sup>t</sup>) Amounnting to the Sum of £7.

[Read and]

*Resolved* the Sum of Seven Pounds be allowed and paid out of the publick Treasury to Major Samuel Moodey in full Discharge thereof. [*Passed August 27.*]House Jour-  
nal, p. 8.  
*Ante*, p. 65,  
chap. 169.

## CHAPTER 174.

RESOLVE ALLOWING CO: TREAS<sup>R</sup> OF DUKES COUNTY HIS ACCO<sup>T</sup>.Legislative  
Records of the  
Council, xiii.,  
211.AN ACCO<sup>MT</sup> presented by Ebenezer Allen Esq<sup>r</sup> Treasurer of Dukes County for the last Year; Having been laid before the Court of Gener<sup>l</sup> Sessions of the Peace for the Said Connty, and by them allowed.

Read and Accepted &amp;

*Ordered* that the Said Accompt be allowed. [*Passed August 27.*]House Jour-  
nal, p. 8.

## CHAPTER 175.

RESOLVE ALLOWING £1. 4 TO JOS: MARION.

Legislative  
Records of the  
Council, xiii.,  
211.AN ACCO<sup>MT</sup> of Joseph Marion of Writing done for the publick in the Recess of the Court. Amounting to Twenty four Shillings.

[Read and]

*Resolved* that the Sum of One pound, four Shillings be allowed and paid out of the publick Treasury to M<sup>r</sup> Joseph Marion the Accomptant in full of this Accompt. [*Passed August 27.*]House Jour-  
nal, p. 8.<sup>1</sup> Not found in the House Journal.

## CHAPTER 176.

RESOLVE ALLOWING ES TO NATH<sup>L</sup> PARDU.

A PETITION of Nathaniel Pardu, Shewing that having enlisted himself a Voluntier in His Majestys Service against the Pyrates under the Command of Capt Thomas Little, after the Cruize was over at Marblehead, He fell off from a High Wharf upon a Rock which very much bruised and wounded him, So that he is disabled from any Manner of Business; And has been put to great Difficulties & therefore praying Relief from this Court.

Legislative  
Records of the  
Council, xiii.,  
211.

House Jour-  
nal, p. 3.  
*Ante*, p. 60,  
chap. 154.

Read and

*Resolved* that y<sup>e</sup> Sum of Eight Pounds be allowed and paid out of the publick Treasury to the Petitioner in full for his Smart and Loss of Time, and to enable him to bear his future Expences and return to his Family. [*Passed August 27.*]

## CHAPTER 177.

## RESOLVE GRANTING A LICENSE TO JAMES PARKER.

A PETITION of James Parker of North Yarmouth, Shewing that upon making the Peace with the Indians, the Said Town is about Speedily to be Setled with Inhabitants, and will need to be accommodated with a publick House for the Entertainment of Strangers, and for as much as the Time appointed by Law for Granting of Licences is elapsed; Therefore praying that this Court would allow him to Sell Strong Drink, or that y<sup>e</sup> Justices of the Peace for the County of York may be impowered at their next General Sessions (If they think fit) to Grant the Petitioner a Licence.

Legislative  
Records of the  
Council, xiii.,  
212.

House Jour-  
nal, p. 8.  
Province  
Laws, ii., 401,  
chap. 11.

Read and

*Resolved*, that the Prayer of the Petition of James Parker be So far Granted That the Justices of the Peace in General Sessions at their next Meeting in the County of York (if they see meet) be Impowered to grant to the Said Parker a Licence to Sell Strong Drink, The Time of Granting Licences being Elapsed Notwithstanding. [*Passed August 27.*]

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-THIRD DAY OF NOVEMBER, A.D. 1726.

## CHAPTER 178.

ORDER ON YE PET<sup>s</sup> OF YE NORTH & WEST INHAB<sup>ts</sup> OF FRAMINGHAM  
FOR A HEARING.

Legislative  
Records of the  
Council, xiii.,  
216.

House Jour-  
nal, p. 5.  
*Ante*, p. 59,  
chap. 152.

UPON THE PETITION of the Northern and Western Inhabitants of the Town of Framingham; [“praying that another Committee may be Appointed to View the Said Town and Report the Place for Setting the Meeting House on, or otherwise that the Petitioners may be Sett off a Seperate and Distinct Precinct.”]

*Ordered* that a Hearing be had on this Petition before the Court on Wednesday y<sup>e</sup> fourteenth of December next. And that the Petitioners Serve the Town of Framingham with a Copy of this Order. That so they may Shew Cause at the Hearing; Why the Prayer of the Petition Should not be Granted: Unless the Parties agree in the meanTime, Which this Court earnestly recommend to them; The whole Charge to be born by the Petition<sup>rs</sup>.

*Ordered*, that the Justices of the Inferiour Court of Common Pleas for the County of Middlesex be Impowered and Directed at their Next Sessions to be held at Charlestown to Continue over to the then next Term any Action or Actions depending in the Said Court respecting the Meeting House in y<sup>e</sup> Town of Framingham or Place for Erecting the Same upon, Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed November 25.*]

## CHAPTER 179.

ORDER ON HUGH PIKES PETITION.

Legislative  
Records of the  
Council, xiii.,  
217.

House Jour-  
nal, p. 6.  
Province  
Laws, ix., 290,  
chap. 21.

A PETITION of Hugh Pike of Newbury Shewing that he was grievously wounded at Port Royal under the Command of Coll<sup>l</sup> March; by which he is become a Cripple, and uncapable of any Labour for his Livelihood, and the Support of his Family, And is now much advanced in Years praying Relief from this Court.

Read and In Answer to this Petition

*Resolved* that the Sum of Fifteen pounds be allowed and paid out of the publick Treasury (over and above the Annual Pension y<sup>e</sup> Petition<sup>r</sup> receives) to Richard Kent Esq<sup>r</sup> to be by him repaid to the Petitioner in Consideration of the Misfortunes and Difficulties he has undergone the last Year occasioned by his Said Wounds. [*Passed November 28.*]



## CHAPTER 180.

RESOLVE ALLOWING 10/ TO SAM<sup>l</sup><sup>le</sup> MORGAN.

A CERTIFICATE Sign'd W<sup>m</sup> Pyncheon Under Sheriff, Setting forth That in October last, He impress'd Samuel Morgan to go Express from Springfield to Northampton in the Service of the Province, Which was accordingly performed by the Said Morgan.

Legislative  
Records of the  
Council, xiii.,  
218.

House Jour-  
nal, p. 6.

Read and

*Resolved* that the Sum of ten Shillings be allowed and paid out of the publick Treasury to M<sup>r</sup> Samuel Day to be by him repaid to the Within named Samuel Morgan in full Discharge of the Services within mentioned. [*Passed November 28.*]

## CHAPTER 181.

## RESOLVE ALLOWING £4 TO JOHN KINGSLEY.

A PETITION of John Kingsley of Northampton Shewing that the last Spring his Horse was impress'd By Benjamin Alvord who was Sent Express to Albany in the Service of the Govern<sup>t</sup> & left in y<sup>e</sup> Woods and Some Time after was found and return'd to the Petition<sup>r</sup> being very much Damaged by the Journey, Praying an Allowance out of y<sup>e</sup> publick Treasury for the Hire of his Horse and y<sup>e</sup> Damage aforesaid.

Legislative  
Records of the  
Council, xiii.,  
218.

House Jour-  
nal, p. 7.

Read and

*Resolved* that the Sum of Four Pounds be allowed and paid out of the publick Treasury to M<sup>r</sup> Ebenezer Wright to be by him repaid to y<sup>e</sup> Said John Kingsley in full Satisfaction of the Damages done to his Horse, as Set forth in his Petition. [*Passed November 28.*]

## CHAPTER 182.

## ORDER OF NOTICE, ON THE PETITION OF MARY TRILL, IN A BASTARDY CASE.

A PETITION of Mary Trill of Westfield, Shewing that it was her Misfortune to have a Base born Child by one John Pell of the Same Place That She was constant in Charging him with being Father of her Child at her first Examination before the Justice, at the Birth of the Child and upon Oath before the Court of Sessions of the Peace, But Some ill minded Persons wrongfully inform'd the Court of her Character in Order to invalidate her Charge against the Said Pell, Which he confidently denied in Court, But the Petitioner, having given Sufficient Satisfaction to the Court (as She Supposed) for the Conviction of the Said Pell, return'd home being dismiss'd by the Court, after w<sup>ch</sup> in the Petitioners Absence, the Said Pell was acquitted and discharged from any Obligation to Maintain the Child, And the Petitioner having no Opportunity of Appeal is without Relief, & therefore praying a Remedy from the Goodness and Justice of this Court

Legislative  
Records of the  
Council, xiii.,  
219.

House Jour-  
nal, pp. 9, 13.

Read and

*Ordered* that the Petitioner Cause the Adverse party to be Served with a Copy of this Petition, That so he give in his Answer if he Se

Cause on Wednesday the Twenty first of December Next, If y<sup>e</sup> Court Shall be then Sitting, Otherwise on the first Fryday of the Next Session. [*Passed November 29.*]

## CHAPTER 183.

ORDER GRANTING 100 ACRES OF LAND TO CAP: JER: MOULTON.

Legislative  
Records of the  
Council, xiii.,  
220.

House Jour-  
nal, pp. 9, 10.

A MEMORIAL of Capt: Jeremiah Moulton, Shewing that during the late Indian War he had the Command of diverse Parties of Men with which he undertook and perform'd Several Hazzardous & Tedious Marches against the Enemy, That he had the principal Command when the Indians were Surprized at Norridgewock, & So many of them Slain in y<sup>e</sup> Year 1721. Coll<sup>o</sup> Harmon not coming up with his Men till the Action was over. PRAYING that this Court in Consideration of his Said Services would please to make him a Grant of One Hund<sup>d</sup> Acres of Land out of y<sup>e</sup> Unappropriated Land belonging to y<sup>e</sup> Pro<sup>ce</sup> within y<sup>e</sup> County of York.

Read &

*Ordered* that y<sup>e</sup> Prayer of this Petition be Granted, and that the Petitioner have leave to Survey and lay out One Hundred Acres of the Unappropriated Lands of this Province lying within the County of York, Which Land Shall be laid out by a Surveyor and Chain Men under Oath, And a Plan thereof return'd to this Court within Twelve Months for further Confirmation to the Petitioner. In Consideration of the good Services done for the Province by him. [*Passed November 29.*]

## CHAPTER 184.

RESOLVE ALLOWING TREAS<sup>r</sup> ALLENS ACCO<sup>t</sup> OF DISBURSEM<sup>ts</sup>.

Legislative  
Records of the  
Council, xiii.,  
220.

House Jour-  
nal, p. 5.  
*Ante*, p. 51,  
chap. 129.

AN ACCO<sup>mt</sup> presented by Jeremiah Allen Esq<sup>r</sup> Treasurer of the Province, Of Money paid and Disburs'd for Provisions Cloathing & other Necessarys for His Majestys Service Eastward and other Incidental Charges in y<sup>e</sup> S<sup>d</sup> Service from y<sup>e</sup> 25, of May 1726, to y<sup>e</sup> 23 of Novem<sup>r</sup> following, Amounting to the Sum of £3,362. 3. 9; After Deductions for Sundrys return'd from the Frontiers.

[Read & Accepted and]

*Resolved* that M<sup>r</sup> Treasurer Allen be and hereby is discharged of the Sum of Three Thousand three Hundred And Sixty two Pounds three Shillings and Nine Pence. [*Passed November 29.*]

## CHAPTER 185.

VOTE ALLOWING TREAS<sup>rs</sup> ACCO<sup>ts</sup> OF Y<sup>e</sup> INDIAN TRADE.

Legislative  
Records of the  
Council, xiii.,  
221.

Legislative  
Records of the  
Council, xiii.,  
148. House  
Journal, p. 5.  
*Ante*, p. 31,  
chap. 75.

SEVERAL ACCO<sup>mts</sup> presented by Jeremiah Allen Esq<sup>r</sup> Treasurer, referring to the Indian Trade; viz: an Acco<sup>mt</sup> of Sundry Sorts of Goods bought for the Indian Trade and Consign'd to Capt: Joseph Heath, and M<sup>r</sup> Edward Mounthforth, Amounting to the Sum of £1,778. 10. 11 An Acco<sup>mt</sup> of Peltry remitted by the Truak Masters and Sold to Sundry Persons, Amounting to the Sum of £1,417. 6. 10 And an Acco<sup>mt</sup> of Stock for a Trade with the Indians to purchase Goods suit-

able for Such Trade by Order of the General Assembly Amounting to the Sum of £1,901. 4. 6 Ball<sup>a</sup> carried over to a new Accompt being so much for Stock, amounting to the Sum of £1,898. 7. 8.

Read [and Accepted] and

*Voted* that the Ballance of this Accompt being Eighteen Hundred Ninety eight Pounds Seven Shillings and Eight Pence, M<sup>r</sup> Treasurer Allen is further to be Accomptable for. [*Passed November 29.*]

## CHAPTER 186.

ORDER ON SAM<sup>LL</sup> BROWNS PETITION DISCHARGING HIM OF £23.

A PETITION of Samuel Brown of Billingsgate in the Township of Eastham, Shewing that being Constable of the Said Town the last Year And having Collected the Sum of Twenty five Pounds of the Inhabitants of the Said Town in Part of the Province Tax by Vertue of a Warrant from the Assessors, he delivered the Said Sum in Bills of Credit to one Benjamin Benn, desiring him to deliver it to one James Gambel Master of a Sloop bound to Boston, with Orders that he Should deliver it to M<sup>r</sup> James Googe who was desired to pay it to the Treasurer for the Said Tax, And that the Said Gambells Sloop was cast away, and the Company all Drowned, And in as much as Twenty three Pounds of the Said Sum were of the Bills of Credit on this Province praying that the Said Sum may be remitted to him.

Read and

*Ordered* that the PRAYER of the Petition be Granted. and that the Province Treasurer is hereby Ordered and Directed to Discharge the Said Constable Sannel Brown of the Sum of Twenty three pounds Accordingly. [*Passed November 30.*]

## CHAPTER 187.

RESOLVE ALLOWING £3 TO MICHAEL KELLEY.

A PETITION of Michael Kelley late a Soldier in His Majestys Service Eastward under Coll<sup>o</sup> Johnson Harmon, praying an allow<sup>ce</sup> for his Expences at the House of Richard Collar of Falm<sup>o</sup> Occationed by a Violent Fever with which he was visited at y<sup>e</sup> Time of his being in y<sup>e</sup> Service, as appears by a Certificate from y<sup>e</sup> S<sup>d</sup> Coll : Harmon

Read and

*Resolved* that the Sum of Three pounds be allowed and paid out of the publick Treasury to y<sup>e</sup> Petitioner Michael Kelley or his Order in Answer to his Petition. [*Passed November 30.*]

## CHAPTER 188.

RESOLVE ALLOWING PAYMENT OF SERG<sup>T</sup> JA: PARKERS MUSTER ROLL.

A MUSTER ROLL of the Garrison at North Yarmouth under the Command of Sergeant James Parker Containing an Accompt of Wages due to them for their Service from the 23<sup>d</sup> of August to the 12<sup>th</sup> of September 1726, Amounting to the Sum of £9. 14. 3.

[Read and]

Legislative  
Records of the  
Council, xiii.,  
221.

House Jour-  
nal, p. 10.

Legislative  
Records of the  
Council, xiii.,  
222.

House Jour-  
nal, p. 11.

Legislative  
Records of the  
Council, xiii.,  
223.

House Jour-  
nal, p. 11.

*Resolved* That the Sum of Nine Pounds fourteen Shillings and three pence be allowed and paid out of the publick Treasury to the Officers and Soldiers born on the within Roll to whom the Same is due in full Discharge thereof. [*Passed December 1.*]

## CHAPTER 189.

### RESOLVE ALLOWING PAYMENT OF ENS<sup>N</sup> MOSES MARKHAMS MUST: ROLL.

Legislative  
Records of the  
Council, xiii.,  
223.

House Jour-  
nal, p. 11.

A MUSTER ROLL of the Garrison in His Majestys Service at North Yarmouth under the Command of Ensign Moses Marcam. Containing an Account of Wages due to them for their Service from the third of may to the 21 of September 1726 amounting to the Sum of £50. 11. 8. [*Read & accepted and*]

*Resolved*, That the Sum of fifty Pounds eleven Shillings and eight pence be allowed and paid out of the publick Treasury to the Officers and Soldiers born on y<sup>e</sup> within Roll, in full Discharge thereof. [*Passed December 1.*]

## CHAPTER 190.

### RESOLVE ALLOWING £18 TO CAPT JOHN GYLES.

Legislative  
Records of the  
Council, xiii.,  
223.

House Jour-  
nal, p. 15.

A PETITION of Capt. John Gyles praying that this Court would take into Consideration his Extraordinary Services for the publick as an Interpreter to the Eastern Indians and in Writing and Sending Dispatches from them to the Lient. Governour, and that Some Enlargement may be made to his pay, His present allowance being not Sufficient for the Necessary Support of himself and his Family.

Read [*& Accepted.*] and

*Resolved* that the Sum of Eighteen pounds (being three pounds per Month, for Six Months past) be allowed and paid out of the publick Treasury to Capt John Gyles in Consideration of his Services mentioned in the Petition. [*Passed December 1.*]

## CHAPTER 191.

### RESOLVE ACCEPTING REPORT OF Y<sup>E</sup> COMTEE OF BOTH HOUSES OF BURN- ING TORN & DEFACED BILLS OF CREDIT. TREAS<sup>RS</sup> DISCHARGE FOR BILLS OF CREDIT BURNT.

Legislative  
Records of the  
Council, xiii.,  
223.

Legislative  
Records of the  
Council, xiii.,  
215. House  
Journal, p. 13.

IN OBEDIENCE to an Order of the Great and General Court in their present Session appointing us the Subscribers a Committee to take an Account of Province Bills of Credit that are torn and defaced.

We have accordingly received of M<sup>r</sup> Treasurer Allen the Several Bills of the Denomination in the Above Account.<sup>1</sup> Amounting to y<sup>e</sup> Sum of Twenty Thousand two Hundred and Sixty pounds. thirteen Shillings and ten pence half penny, all of which we have consumed to Ashes Whereof Two Thousand one Hundred and ninety Six pounds eight Shillings and three pence of the Abovesaid Sum was delivered us on Account of the £50,000 Loan, also the remaining Sum of Eigh-

<sup>1</sup> The detailed account, here as elsewhere, is omitted.

teen Thousand and Sixty four Pounds five Shillings and Seven pence Half penny was delivered us on account of the Province, as being received in by Taxes Impost and Excise making in the whole the Sum of Twenty Thousand two Hundred and Sixty pounds thirteen Shillings and ten pence half penny, as Witness our Hands this 29<sup>th</sup> Day of November 1726.

PENN TOWNSEND  
JONATHAN REMINGTON  
JOHN BALLANTINE  
THO: HUTCHINSON  
HENRY PHILLIPS

JOHN QUINCY  
THOMAS PALMER  
JOHN CHANDLER JUN<sup>R</sup>  
THOMAS CUSHING.

Read and Accepted and,

*Resolved* that Mr Treasurer Allen be and hereby is discharged of the Aforesaid Sum of Twenty Thousand two Hundred & Sixty Pounds Thirteen Shillings and ten pence half penny accordingly. [*Passed December 1.*]

## CHAPTER 192.

RESOLVE ALLOWING £7. 17. 4 TO CAP. JN<sup>O</sup> GYLES.

AN ACCOMPT presented by Capt John Gyles of Sundry Disbursements for Provisions Supplied the Chiefs of the Penobscot Indians, as also Zechariah Trescot who was Sent Express, together with y<sup>e</sup> Doctors Bill For Medicines &c. for him when sick, Amounting to £7. 17. 4 And an Articles of Provisions out of the Truck Stores.

[Read, & Accepted and]

*Resolved* that the Sum of Seven Pounds Seventeen Shillings and four pence be allowed and paid out of the publick Treasury to Capt. John Gyles the Accomptant, y<sup>e</sup> Treas<sup>r</sup> to allow him for the Provisions &c charged in the Accompt. [*Passed December 1.*]

Legislative  
Records of the  
Council, xiii.,  
225.  
House Jour-  
nal, p. 13.

## CHAPTER 193.

ORDER FOR A COM<sup>TEE</sup> OF BOTH HOUSES ON THE PETITION OF DIVERS INHABIT<sup>TS</sup> OF SCITUATE & ABINGTON FOR A TOWNSHIP.

A PETITION of divers Inhabitants of the Towns of Scituate and Abington, Shewing that they are under great Difficulties for attending the publick Worship of God in their respective Towns, and that they are Scituated very commodiously for making a distinct Township, And have a Sufficient Number of Inhabitants to carry on the Affairs of a Town, And therefore praying that the Lands within the Limits hereafter mentioned may be Erected into a Township, That is to Say, a Tract of Land of near Ten Thousand Acres, partly of the Town of Scituate and partly of the Town of Abington, thus bounded, Beginning at the third Herring Brook at Deacon Jacobs's Saw Mill Dam, And from thence running near West about Two Hundred forty Six Rods to the North East Corner of Corner of <sup>1</sup> Isaac Turners great Lott, Then near West with the North Side Line of said great Lott one Mile to the Shear Line, and then continuing the Same Course three Quarters of a Mile, Then turning and running near South, Two Miles to the South West Corner of Nehemiah Cushings Lott, Then South Five Degrees and

Legislative  
Records of the  
Council, xiii.,  
227. Mass.  
Archives,  
cxliiii., 28.  
Mass.  
Archives,  
cxliii., 682, 684;  
cxliiii., 26, 27.  
House Jour-  
nal, pp. 16, 17.  
*Ante*, p. 39,  
chap. 96.

<sup>1</sup> *Sic.*

forty Minutes West to the Southerly Bounds of Abingdon, & on the South Side of it is bounded on the Line betwixt Abingdon & Pembroke And on Indian Head River, And South Easterly by the North River, & Easterly by the Aforesaid Third Herring Brook so called, From the Said North River to the Dam before mentioned : And that an Act of this Court may be pass'd for making the Said Lands a Township accordingly.

In Council Read &

*Ordered* that the Hon<sup>ble</sup> William Tailer Esq<sup>r</sup> & Elisha Cook Esq<sup>r</sup> with such as the Hon<sup>ble</sup> House of Represent<sup>ees</sup> shall appoint be a Comm<sup>tee</sup> to repair to the Land petition'd to be erected into a Township & view the same & enquire, into the Circumstances of the Petitioners & Report what they think proper for this Court to do thereon

In the House of Represent<sup>ees</sup>

Read & Concur'd with the Amendment Viz: The Charge of the Com<sup>tee</sup> to be born by the petitioners, and Ezra Bourne Esq<sup>r</sup> Maj<sup>r</sup> Tileston & Edward Arnold Esq<sup>r</sup> are joyned with the Committee of the Honourable Board in the Affair

In Council ;

Read & Concur'd. [*Passed December 2.*]

## CHAPTER 194.

### ORDER ON SOLOMON BRIANT'S PETITION IMPOWERING HIM TO SELL LAND.

Legislative  
Records of the  
Council, xlii.,  
228.

House Jour-  
nal, pp. 11, 20.

A PETITION of Solomon Briant of Falmouth Indian Shewing that his Brother John Peters died Seized of one Fifty Acre Lott of Upland lying in the Town of Dartmouth, And in his last Will bequeath'd the Same to the Petitioner, who finds it under Mortgage and Incumbrance and that the Sum of Thirty Pounds is necessary to clear it, That the Petitioner has taken out Letters of Administration, and not being able to pay the Said Debt, and living at Falmouth (as aforesaid) where the Land can be but of little profit to him, therefore praying that he may have Liberty to Sell the Said Land. That So he may pay his Brothers Debts with part of the produce thereof & improve the remainder for his own Benefit and more comfortable Support.

Read and

*Ordered* that the prayer of the Petition be Granted and that the Petitioner be allowed and Impowered to make Sale of the Lands accordingly And Ezra Bourn Esq<sup>r</sup> is Desired to assist the Petitioner in the Sale of the Land, and that he post up an Advertisement of the Time & place of the Sale in Some publick Place or Places at least twenty Days before the Said Sale that the Petitioner may have Justice done therein, And that he take Care that the Surplusage be laid out in Some Real Estate or other wise as Shall be to the Petitioners best Advantage. [*Passed December 2.*]

## CHAPTER 195.

### RESOLVE ALLOWING £12. 3 TO JAMES PARKER.

Legislative  
Records of the  
Council, xlii.,  
228.

A MEMORIAL of James Parker of North Yarmouth, Shewing that a Schooner belonging to him having put into St Georges River, was on the Ninth of October last Ordered to carry an Express for his Majestys

Service on which She was by bad Weather detain'd Several Days, & that the Memorialist was by John Wheelwright Esq<sup>r</sup> Ordered to Attend the Examination of three Indians at Winter Harbour in which he was employed four Days and at the Charge of Horse Hire praying that he may be allowed the Sum of Twelve pounds in Satisfaction for y<sup>e</sup> Said Services.

House Journal, p. 16.

Read [& Accepted] and

*Resolved* that the Sum of Twelve Pounds three Shillings be allowed And paid out of the publick Treasury to the Petitioner James Parker in full for the Services within mentioned. [*Passed December 2.*]

## CHAPTER 196.

RESOLVE ALLOWING PAYMENT ON THE MUST<sup>R</sup> ROLL OF L<sup>T</sup> COLL: JOHNSON HARMON.

A MUSTER ROLL of the late Company in His Majestys Service Eastward under the Command of Lieut Coll<sup>e</sup> Johnson Harman containing an Account of Wages due to them for their Said Service from the 22<sup>d</sup> of Novem<sup>r</sup> to y<sup>e</sup> 16<sup>th</sup> of January 1725, Amounting to the Sum of £151. 18. 4.

Legislative Records of the Council, xiii., 229.

House Journal, p. 18.

[Read, & Accepted and]

*Resolved*, That the Sum of One Hund<sup>d</sup> and Forty five Pounds fifteen Shillings and Eight pence be allowed & paid out of the publick Treasury to the Officers and Soldiers born on y<sup>e</sup> within Roll to whom the Same is respectively due in full Discharge thereof Agreeable to the Committees Report. [*Passed December 3.*]

## CHAPTER 197.

ORDER OF NOTICE AND HEARING ON THE PETITION OF THE INDIANS OF CHEBAQUEDOCK.

A PETITION of the Body of Indians Natives of the Island of Chebaquedock, Shewing that their Sachem Jacob Seeknont made Choice of Simeon Butler to be his Agent and entrusted him with the Care of the Said Island and Interests of y<sup>e</sup> Indians. therein pursuant to the Award of the Hon<sup>ble</sup> Joseph Dudley Esq<sup>r</sup> and Others, Ratified by the General Court in the Year 1715. And the Indians did then approve of Said Butlers appointment to the Said Charge, But of late he has been very unfaithful in the Execution thereof, Converting most of the profits of the Said Island to his own Use, Having purchased Lands of the Said Sachem built a House thereon. and Settled a Tenant and brought great Numbers of Cattle to Eat up the feed of the Island, By which means the Petitioners are Impoverished and almost ruined, And can obtain No Redress from their Sachem who is given up to Drunkenness and is entirely negligent of his Own as well as their Interests; And therefore praying that the Said Simeon Butler may be removed from his Said Trust and be Ordered to carry off his Cattle, And that Some honest persons may be appointed by this Court to be Overseers for them, and to take Care of their Interests upon the Said Island of Chebaquedock.

Legislative Records of the Council, xiii., 229.

House Journal, p. 21.  
Province Laws, x., 229, chap. 201.

Read and

*Ordered* that the Petitioners cause Simeon Butler to be Served with a Copy of this Petition, and that he attend this Court on Thursday the

Twenty second instant to make Answer thereto, And that Enoch Coffin and John Worth Esq<sup>s</sup> be desired and directed forth with to take Such Evidences upon Oath as Shall be offered by either party respecting the Complaints therein mentioned, And that the Adverse Parties be Notified, that they may be present at the Caption, if they Se Cause; And the Said Evidences be Sealed up and Sent to the Secretary without Delay. [*Passed December 3.*]

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## CHAPTER 198.

RESOLVE ALLOWING PAYMENT ON THE MUSTER ROLL OF THE GARRISON AT ST GEORGES.

Legislative  
Records of the  
Council, xiii.,  
230.

House Jour-  
nal, p. 15.

A MUSTER ROLL of the Garrison in His Majestys Service at the Block House on St Georges River under the Command of Capt John Gyles containing an Accompt of Wages due to them for their Service from the 10<sup>th</sup> of June 1726 to the 4<sup>th</sup> of November following Amounting to the Sum of £242. 12.

[Read & Accepted and]

*Resolved* That the Sum of two Hundred and forty pounds twelve Shillings be allowed and paid out of the publick Treasury to the Officers and Soldiers born on y<sup>e</sup> Within Roll in full Discharge of the Wages thereof. [*Passed December 3.*]

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## CHAPTER 199.

RESOLVE ALLOWING £25. 5 TO MR EDW<sup>d</sup> SHOVE.

Legislative  
Records of the  
Council, xiii.,  
230.

House Jour-  
nal, p. 19.  
*Ante*, p. 51,  
chap. 129.

AN ACCOMPT presented by Edward Shove of his Time & Charges in Attending the Lieut. Govern<sup>r</sup> at the Ratification, of the peace at Falmonth amounting to the Sum of £25. 5.

[Read and]

*Resolved* that the Sum of Twenty five pounds five Shillings be allowed and paid out of the Publick Treasury to the Accomptant M<sup>r</sup> Edward Shove in full Discharge thereof. [*Passed December 3.*]

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## CHAPTER 200.

RESOLVE ALLOWING 10/ TO DANIEL SMITH.

Legislative  
Records of the  
Council, xiii.,  
230.

House Jour-  
nal, p. 19.

AN ACCOMPT of Daniel Smith, Of the Hire of his Horse impress'd for his Majestys Service from Ipswich to Boston amounting to 10 .

[Read and]

*Resolved* that the Sum of Ten Shillings be allowed and paid out of the publick Treasury to M<sup>r</sup> Benjamin Crocker, to be by him paid to the Accomptant Daniel Smith in full Discharge thereof. [*Passed December 3.*]



## CHAPTER 201.

RESOLVE ALLOWING £20. 10. 10 TO RICH<sup>d</sup> KENT ESQ<sup>r</sup>.

AN ACCOMPT presented by Richard Kent Esq<sup>r</sup> of his Time and Expence in Attending on His Honour the Lient. Govern<sup>r</sup> at the late Ratification of the Peace at Falmouth Amounting to the Sum of £20. 10. 10.

Legislative  
Records of the  
Council, xiii.,  
230.

[Read and]

*Resolved*, That the Sum of twenty Pounds ten Shillings and ten pence be allowed and paid out of the publick Treasury to the Accomptant Richard Kent Esq<sup>r</sup> in full Discharge thereof. [*Passed December 3.*]

House Jour-  
nal, p. 19.  
*Ante*, p. 51,  
chap. 12<sup>o</sup>.

## CHAPTER 202.

RESOLVE ALLOWING £14. 10 TO JOS: HAMOND ESQ<sup>r</sup>.

AN ACCOMPT presented by Joseph Hammond Esq<sup>r</sup> of his Time and Expence in Attending his Honour the Lient<sup>t</sup> Govern<sup>r</sup> at the late Ratification, of the peace at Falm<sup>o</sup> Amounting to the Sum of £14. 10.

Legislative  
Records of the  
Council, xiii.,  
231.

[Read, and]

*Resolved*, That the Sum of fourteen pounds ten Shillings be allowed and paid out of the publick Treasury to the Accomptant Joseph Hammond Esq<sup>r</sup> in full Discharge thereof. [*Passed December 5.*]

House Jour-  
nal, p. 20.  
*Ante*, p. 51,  
chap. 12<sup>o</sup>.

## CHAPTER 203.

RESOLVE ALLOWING £45. 0. 2 TO EDW<sup>d</sup> WINSLOW ESQ<sup>r</sup>.

AN ACCOMPT presented by Edward Winslow Esq<sup>r</sup> Sheriff of the County of Suffolk, For Sending into the other Counties Proclamations Treasurers Warrants &c for Sending Expresses, And for his Own & Officers Attending on, impressing Vessels Stores &c. Amounting to the Sum of Thirty pounds Nineteen [Shillings] and Eleven pence, Together with divers Trades Mens Bills for Work done to the Govern<sup>rs</sup> House Amounting to the Sum of £14. 0. 3 In all the Sum of £45. 0. 2.

Legislative  
Records of the  
Council, xiii.,  
231.

[Read and Accepted, and]

*Resolved* that the Sum of Forty five pounds and two pence be allowed and paid out of the publick Treasury to the Accomptant Edward Winslow Esq<sup>r</sup> to be by him repaid to whom the Same is respectively due in full Discharge of y<sup>e</sup> S<sup>d</sup> Accompts. [*Passed December 5.*]

House Jour-  
nal, p. 20.

## CHAPTER 204.

RESOLVE ALLOWING £35 TO BAR: GREEN AND SAM<sup>ll</sup> KNEELAND.

AN ACCOMPT presented by Bartholomew Green and Samuel Kneeland of Paper and Printing of the Votes of the House of Representatives for the Sessions of the Court in May and August last together

Legislative  
Records of the  
Council, xiii.,  
231.

House Journal, p. 20.

with paper and printing Lists of Rates and Rateable Estates Amounting to the Sum of £35.

[Read and]

*Resolved* that the Sum of Thirty five pounds be allowed and paid out of the publick Treasury to the Accomptants Bartholomew Green and Samuel Kneeland in full Discharge thereof. [*Passed December 5.*]

## CHAPTER 205.

RESOLVE ALLOWING £31. 9 TO DAVID MELVIL.

Legislative Records of the Council, xiii., 232.

House Journal, p. 20.

AN ACCOMPT presented by David Melvil late Keeper of the Prison in Boston for keeping Divers Indians by Order of the Government; Charges in Conveying Indians to the Castle, together with the Charge of keeping George Condict a person condemned for Pyracie, Amounting to the Sum of Thirty five pounds five Shillings

[Read<sup>1</sup> and]

*Resolved*, That the Sum of Thirty One pounds nine Shillings be Allowed and paid out of the publick Treasury to the Accomptant David Melvil in full Discharge thereof. [*Passed December 5.*]

## CHAPTER 206.

RESOLVE ALLOWING £10 TO NOAH JOHNSON.

Legislative Records of the Council, xiii., 232.

House Journal, p. 21.  
*Ante*, p. 24, chap. 50.

A PETITION of Noah Johnson one of the Soldiers under y<sup>e</sup> Comānd of the late Capt John Lovewell, Shewing that his Wounds he received from the Indian Enemy at Pigwacket have disabled him from any Labour for his Livelihood, Several Bones in his Right Hand being broken by the Shot; So that there is no probability of his ever having the Use of it again, And therefore praying an Allowance to Satisfie the Charge of his Doctor and Recompence him for his Loss of Time and Smart Money Since the last Allowance out of the publick Treasury granted him by this Court.

Read and

*Resolved* That the Sum of Ten pounds, be allowed and paid out of the publick Treasury to the Petitioner Noah Johnson for his Loss of Time Since the last May Session Occationed by the Wounds mentioned in the Petition One of them being now Open. [*Passed December 5.*]

## CHAPTER 207.

RESOLVE ALLOWING PAYMENT OF LT JN<sup>o</sup> LARRABEE'S ACCO<sup>t</sup> OF VICTUALING Y<sup>e</sup> GAR<sup>sons</sup> AT CASTLE WILLIAM AND MAKING AN ADVANCE OF £200.

Legislative Records of the Council, xiii., 232.

House Journal, p. 17.

AN ACCOMPT presented by Lient. John Larrabee of Victualing the Officers and Soldiers of the Garrison at His Majestys Castle William together with the Subsistence of Paul Baptist a French Man and two Indians, The Said Acco<sup>t</sup> beginning May 23 and ending Novem<sup>r</sup> 20

<sup>1</sup> Committee's report *not* accepted.

1726, Amounting to the Sum of £383. 4. 2 Of Which y<sup>e</sup> Sum of £200 *Note, p. 25, chap. 55.* was advanced to him; Remains the Sum of £183. 4. 2.

[Read and Accepted and]

*Resolved*, That M<sup>r</sup> Treas<sup>r</sup> Allen be directed to pay to the Accomptant Lient John Larrabee the Sum of One Hundred Eighty three Pounds four Shilling and two pence out of the publick Treasury being the Balance of this Accompt; And further to enable the Said John Larrabee to Victual the Garrison, at His Majestys Castle William according to the last Establishm<sup>t</sup> It is further

*Resolved* that M<sup>r</sup> Treasurer Allen be and hereby is directed to pay & Advance to L<sup>t</sup> John Larrabee y<sup>e</sup> Sum of two Hundred Pounds for Victualing y<sup>e</sup> Said Garrison According to the S<sup>d</sup> Establishm<sup>t</sup> taking Security from him for y<sup>e</sup> true & faithful Performance thereof. [*Passed December 5.*]

## CHAPTER 208.

RESOLVE ALLOWING £10. 14. 4 TO PETER WALTON.

AN ACCOMPT presented by Peter Walton of his Time and Materials for the Mending of Whale Boats belonging to the Province and making a Cradle and Coffin for an Indian that died in the Service, Amounting to y<sup>e</sup> Sum of £16. 8. 4.

Legislative  
Records of the  
Council, xlii.,  
233.

House Jour-  
nal, p. 21.

[Read, & Accepted and]

*Resolved* that the Sum of Tén pounds fourteen Shillings and four Pence be allowed and paid out of the Publick Treasury to Edmund Mountforth to be by him repaid to y<sup>e</sup> Said Peter Walton in full Discharge thereof, Agreeable to y<sup>e</sup> Committees Report. [*Passed December 5.*]

## CHAPTER 209.

RESOLVE ALLOWING £21. 11. 8 TO EDM<sup>d</sup> MOUNTFORTH.

AN ACCOMPT presented by Edmund Mountforth of y<sup>e</sup> Hire of a Ware House and Cellar for y<sup>e</sup> publick Stores, Gundaloe Hire, Boards bought & other Disbursements for y<sup>e</sup> publick, Amounting to the Sum of £21. 11. 8.

Legislative  
Records of the  
Council, xlii.,  
233.

House Jour-  
nal, p. 21.

[Read & Accepted and]

*Resolved* That y<sup>e</sup> Sum of twenty one pounds Eleven Shillings & Eight Pence be allowed & paid out of y<sup>e</sup> publick Treasury to the Accomptant, Edmund Mountforth in full Discharge thereof. [*Passed December 5.*]

## CHAPTER 210.

RESOLVE ALLOWING 40/ TO JAMES PARKER.

A PETITION of James Parker Shewing that he apprehended two Indian Soldiers belonging to the Garrison at S<sup>t</sup> Georges named Thomas Amos and Josiah Lovell who had deserted His Maj<sup>ty</sup> Service in October last, and by Order of His Honour the Lient: Gov<sup>r</sup> Sent the Said Deserters to Arrowsick in Order to their Return to the Service, And praying Such allowance as the late Law for punishing Officers and Soldiers

Legislative  
Records of the  
Council, xlii.,  
234.

House Jour-  
nal, p. 22.  
Province  
Laws, ii., 262,  
chap. 11.

&c provides, The reason of the Law Still remaining altho the Law be expired.

Read &

*Resolved*, That the Sum of Forty Shillings be allowed and paid out of the publick Treasury to the Petitioner James Parker in full Discharge of the Services therein mentioned. [*Passed December 6.*]

## CHAPTER 211.

RESOLVE ALLOWING 42/ TO D<sup>r</sup> W<sup>m</sup> DAVIS.

Legislative  
Records of the  
Council, xiii.,  
234.

House Jour-  
nal, p. 20.

AN ACCOMPT presented by D<sup>r</sup> William Davis of Medicines and Attendance on French and Indian Prisoners that were Sick in Boston Goal in April and October last, Amounting to the Sum of £2. 2.

[Read and]

*Resolved* That the Sum of Forty two Shillings be allowed and paid out of the publick Treasury to the Accomptant D<sup>r</sup> William Davis in full Discharge of the Said Accompt. [*Passed December 6.*]

## CHAPTER 212.

RESOLVE ALLOWING £12 TO D<sup>r</sup> W<sup>m</sup> BRATTLE.

Legislative  
Records of the  
Council, xiii.,  
234.

House Jour-  
nal, p. 24.

AN ACCOMPT presented by D<sup>r</sup> William Brattle of Medicines Administer'd to Sundry Persons Attending upon His Honour the Lieut: Governour at y<sup>e</sup> Ratification of the Peace at Falm<sup>o</sup> together with his Prescription & Attend<sup>ce</sup> Amounting in the whole to £12.

[Read and]

*Resolved* That the Sum of Twelve pounds be allowed and paid out of the publick Treasury to the Accomptant D<sup>r</sup> William Brattle in full Discharge thereof. [*Passed December 6.*]

## CHAPTER 213.

RESOLVE ALLOWING £6. 17 TO RICH<sup>d</sup> COLLAR.

Legislative  
Records of the  
Council, xiii.,  
234.

House Jour-  
nal, p. 23.

AN ACCOMPT presented by Rich<sup>d</sup> Collar of the Service of his Scooner Impress'd twice to go with an Express to Maquoit and North Yarmouth w<sup>th</sup> y<sup>e</sup> Attend<sup>ce</sup> of two Men. Amounting to y<sup>e</sup> Sum of £10. 12 6.

[Read<sup>1</sup> and]

*Resolved* That the Sum of Six pounds Seventeen Shillings be allowed and Paid out of the publick Treasury to the Accomptant Richard Collar in full of his Accompt; Out of which the Said Collar is to pay the Men w<sup>th</sup> in Mentioned four Shillings p Diem each for their Service. [*Passed December 6.*]

<sup>1</sup> Committee's report *not* accepted.

## CHAPTER 214.

ORDER FOR ANNEXING Y<sup>E</sup> INHAB<sup>T</sup>S OF DAVENPORTS & HUTCHINSONS  
& COLLINS'S FARMS TO Y<sup>E</sup> TOWN OF SUTTON.

A PETITION of Thomas Nichols and Joseph White and others Subscribers thereto, Shewing that they dwell on the Farms commonly called Davenports and Hutchinsons Farms in the County of Suffolk adjoining to the Town of Sutton And to no other Town, And the Petition<sup>rs</sup> are accounted as Peculiars of Said Town, where they pay publick Taxes and also Taxes for the Support of the Ministry; That y<sup>e</sup> Meeting House Stands very commodiously for the Attendance of themselves and their Families on the publick Worship of God there; & therefore praying that the Said Farms with the Inhabitants thereof together with another Farm adjoining to the Said Town commonly known by the Name of Collins's Farm may be annexed to the Said Town of Sutton and become a part thereof, That so they may Enjoy Town Priviledges with other of the Inhabitants; The Petition<sup>rs</sup> having obtained the Approbation of the Inhabitants of Said Town for the Same.

Read and

*Ordered*, That the Prayer of the Petition be granted, And that the Said three Farms mentioned in the Petition together with the Inhabitants that now are or Shall be Settled thereon Shall be annexed to and accounted as part of Town of Sutton, And Shall have, exercise and Enjoy equal Priviledges and Immunities with other the Inhabitants of the Said Town of Sutton until the further Order of this Court. [*Passed December 6.*]

Legislative  
Records of the  
Council, xiii.,  
235.

House Jour-  
nal, p. 24.

## CHAPTER 215.

RESOLVE ALLOWING PAYMENT OF THE MUSTER ROLL OF Y<sup>E</sup> GARRISON  
AT CASTLE WILLIAM.

A MUSTER ROLL of the Garrison in His Majesty's Service at Castle William, under the Command of the Hon<sup>ble</sup> William Dummer Esq<sup>r</sup> Containing an Accompt of Wages due to the Said Garrison for their Service from May 23<sup>d</sup> 1726, to Nov. 20, 1726. Amounting to the Sum of £528. 19. 8.

[Read, & Accepted and]

*Resolved* that the Sum of Five Hundred and Twenty Eight pounds Nineteen Shillings and eight pence be allowed and paid out of the publick Treasury to y<sup>e</sup> Officers & Soldiers born on the within Roll in full Discharge thereof. [*Passed December 7.*]

Legislative  
Records of the  
Council, xiii.,  
235.

House Jour-  
nal, p. 25.

## CHAPTER 216.

RESOLVE ALLOWING PAYMENT OF THE MUSTER ROLL OF Y<sup>E</sup> COMPA<sup>N</sup>  
UNDER THE COM<sup>D</sup> OF CAPT. GRAY.

A MUSTER ROLL of the Company in His Majestys Service Eastward under the Command of Capt John Gray, Containing an Acco<sup>t</sup> of Wages due to them for their Said Service from the 20<sup>th</sup> of Nov<sup>r</sup> 1725 to the 17<sup>th</sup> of January following, Amounting to the Sum of £138. 0. 3.

Legislative  
Records of the  
Council, xiii.,  
236.

House Jour-  
nal, p. 25.

[Read, And Accepted and]

*Resolved* That the Sum of One Hundred and thirty eight Pounds and three pence be allowed and paid out of the publick Treasury to the Officers and Soldiers born on the within Roll in full Discharge thereof. [*Passed December 7.*]

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## CHAPTER 217.

RESOLVE ALLOWING PAYMENT OF THE MUSTER ROLL OF Y<sup>E</sup> COMP<sup>A</sup> UND<sup>R</sup> COMM<sup>D</sup> OF CAPT MOODEY.

Legislative  
Records of the  
Council, xiii.,  
236.

House Jour-  
nal, p. 25.

A MUSTER ROLL of the Company late in His Majesty's Service Eastward under the Command of Capt Joshua Moody, Containing an Acco<sup>t</sup> of Wages due to them for their Service from y<sup>e</sup> 23 Novem<sup>r</sup> 1725 to the 24, of Jan<sup>ry</sup> following, Amounting to the Sum of £149. 16. 10.

[Read, & Accepted and]

*Resolved* that the Sum of One Hundred and forty Nine pounds Sixteen Shillings & ten pence be allowed and paid out of the publick Treasury to the Officers And Soldiers born on the within Roll in full Discharge thereof. [*Passed December 7.*]

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## CHAPTER 218.

ORDER IMPOWERING COMFORT BRIGGS TO SELL LAND.

Legislative  
Records of the  
Council, xiii.,  
238.

House Jour-  
nal, pp. 26, 27.

A PETITION of Mary King of Dighton in the County of Bristol Widow, and Comfort Briggs of the Same place Relict of Ebenezer Briggs Deced<sup>d</sup> Shewing that the Petitioner Mary by Reason of her great Age and Infirmary of Body is rendered incapable of any Labour for her necessary Support, That in the Year 1718. She paid to y<sup>e</sup> afores<sup>d</sup> Ebenezer Briggs the Sum of Fifty Pounds (being all She had in y<sup>e</sup> World) He the Said Briggs in Consideration thereof Covenanting and promising to provide for and Maintain her, during her Natural Life but So it is that it has pleased God to remove the Said Ebenezer Briggs by Death, and the Petitioner Comfort his Widow is left with four Small Children, and the Income of the Deceased's Estate is but Small and not Sufficient to comply & fulfill the Said Covenant, And therefore praying that the Petitioner Comfort as Administrator to her Said Husband Dece<sup>d</sup>d may be Impowered to Sell a piece of Land containing three Acres and an Half lying on the Easterly Side of Sereganset River and adjoining to M<sup>r</sup> Fishers Land, and the Land of Thomas Briggs, and the Produce of y<sup>e</sup> S<sup>d</sup> Land to be put into the Hands of M<sup>r</sup> Edward Shove, to be by him Employed for & tow<sup>ds</sup> the Support of the Petition<sup>r</sup> Mary King. Read and

*Ordered* that the Prayer of this Petition be Granted and that the Petition<sup>r</sup> Comfort Briggs Admin<sup>r</sup> &c be and hereby is Authorized and Impowered to make Sale of y<sup>e</sup> Piece of Land mentioned in the Petition, Containing about Three Acres and an Half, And that the Produce of the Said Land be put into the Hands of M<sup>r</sup> Edward Shove to be by him employed for and towards the Support of the other Petitioner Mary King. [*Passed December 7.*]

## CHAPTER 219.

RESOLVE ALLOWING £50 TO D<sup>R</sup> EBEN<sup>R</sup> ALLEN.

AN ACCOMPT presented by D<sup>r</sup> Ebenezer Allen of his Service as Chirurgon of the Soldiers from the twenty third of Novem<sup>r</sup> 1725 to the tenth of August 1726; Amounting to the Sum of £74. 11. 5.

Legislative  
Records of the  
Council, xiii.,  
239.

House Jour-  
nal, p. 26.

[Read, and Accepted and]

*Resolved*, That the Sum of Fifty Pounds be allowed and paid out of the publick Treasury to y<sup>e</sup> Accompt<sup>t</sup> Ebenezer Allen in full Discharge of the within Accompt, and all Demands whatsoever for his past Services as Chirurgon &c of the Forces Eastw<sup>d</sup> or of any of the Sick and wounded men in the pay of this Province. [*Passed December 7.*]

## CHAPTER 220.

ORDER ON THE PETITION OF CAREY AND TURNER, APPOINTING A COMMITTEE TO VIEW AND CONSIDER THE LAYING OUT OF CERTAIN LANDS.

THE PETITION of Francis Cary and John Turner [Province Laws, x., 689, chap. 313] being read together with the Answer of the Propriet<sup>r</sup>s of the Town of Taunton, and the Same being fully considered,

In the House of Representatives

*Ordered* That M<sup>r</sup> Edward White, and Maj<sup>r</sup> Tilestone with such as the Honourable Board shall Appoint be a Committee to repair to the Lands mentioned in the petition, View and Consider whether the same may be laid out without Infringing upon the Lands belonging to the Town of Taunton or any other Grant regularly made by the late Colony of plymouth and make report thereof to this Court at their next May Session. The Committee to give Seasonable Notice of the Time of their going upon the Service to the Towns of Taunton Middleborough and Bridgewater, and the Charge of the Committee to be born by the petitioners

Legislative  
Records of the  
Council, xiii.,  
239. Mass.  
Archives,  
xlv., 15.

Mass.  
Archives,  
xlv., 12, 16, 18.  
Legislative  
Records of the  
Council, xiii.,  
225. House  
Journal, pp. 29,  
30. Province  
Laws, x., 689,  
chap. 313.  
*Ante*, p. 15,  
chap. 26.  
*Post*, p. 116,  
chap. 302.

In Council Read & Concur'd, & Sam<sup>l</sup> Thaxter Esq<sup>r</sup> is joined with the Comm<sup>tee</sup> of y<sup>e</sup> Houses on y<sup>e</sup> Affair above. [*Passed December 9.*<sup>1</sup>]

## CHAPTER 221.

RESOLVE ALLOWING PAYMENT OF THE MUSTER ROLL OF COLL<sup>O</sup> THOMAS WESTBROOKS COMP<sup>A</sup>.

A MUSTER ROLL of the Company in his Majesty's Service Eastward laid under the Command of Coll<sup>O</sup> Thomas Westbrook, Contain[ing] an Accompt of Wages due to them for their Said Service from the 21<sup>st</sup> of Novem<sup>r</sup> 1725 to the 26 of Jan<sup>y</sup> following Amounting to the Sum of £105. 9.

Legislative  
Records of the  
Council, xiii.,  
240.

House Jour-  
nal, p. 29.

[Read & Accepted and]

*Resolved* that the Sum of One Hundred and five Pounds Nine Shillings be allowed And paid out of the publick Treasury to the Officers & Soldiers born on the within Roll in full Discharge of the Wages thereof. [*Passed December 9.*]

<sup>1</sup> The foregoing order was "declared null & void," on December 30 next following. See *post*, p. 116, chap. 302. The date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is December 8.

## CHAPTER 222.

RESOLVE ALLOWING £14 TO EDW<sup>d</sup> WINSLOW ESQ<sup>r</sup>.Legislative  
Records of the  
Council, xiii.,  
241.House Jour-  
nal, pp. 10, 29.

A PETITION of Edward Winslow Esq<sup>r</sup> Sheriff of the County of Suffolk, praying Some meet Recompence out of the Publick Treasury for his Service for the Space of four Years last pass'd in taking Care of the Repairs of y<sup>e</sup> Province House in which the Lieut. Govern<sup>r</sup> Dwells, as also for his Care of y<sup>e</sup> Indian Captives in the Prison for the Same Space of Time many of whom have been Sick, and have died out of the Prison.

Read [and Accepted] and

*Resolved* that the Sum of Fourteen Pounds be allowed and paid out of the publick Treasury to Edward Winslow Esq<sup>r</sup> in full for the Services within mentioned. [*Passed December 9.*]

## CHAPTER 223.

RESOLVE ALLOWING £6 TO JOHN TUFTS.

Legislative  
Records of the  
Council, xiii.,  
241.House Jour-  
nal, p. 25.  
*Ante*, p. 51,  
chap. 129.

A PETITION of John Tufts of Malden Praying An Allowance out of the Publick Treasury for the Hire of his Horse impress'd for Ensign Zechariah Trescott Sent Express by His Honour the Lieut: Govern<sup>r</sup> to Caseo Bay to Inform the Chiefs of the Indians of his Hon<sup>rs</sup> Coming down to y<sup>e</sup> Ratification, the Said Horse being return'd much worse than he was at first. Read [& Accepted] &

*Resolved* that the Sum of Six pounds be allowed and paid out of y<sup>e</sup> Publick Treasury to the Petitioner John Tufts in Full. [*Passed December 9.*]

## CHAPTER 224.

RESOLVE ALLOWING £100 TO JOHN FOSTER FOR SAM<sup>l</sup> DOTY & OTHERS.Legislative  
Records of the  
Council, xiii.,  
241.House Jour-  
nal, p. 30.

A PETITION of Samuel Doty Mariner, Master of the Sloop Tryal and his Company, Shewing that in August last, They were taken in the Harbour of Marlagash to the Eastward of Cape Sables by one John Baptist and others a Piratical Crew, That Some Time after the Petitioners were taken, they rose upon the Pirates, And by the good Providence of God they Overcame them. And brought Eight French and Indians to Boston, And delivered them up to Justice, where five of them were tried and Convict of Piracy and have Suffered the Pains of Death Praying Such Allowance for their Said Service, as the Court in their Wisdom and Goodness Shall judge Meet.

Read and [accepted and]

*Resolved* that the Sum of One Hundred Pounds be allowed and paid Out of y<sup>e</sup> publick Treasury to M<sup>r</sup> John Foster to be by him repaid to the Petitioners and the Owners of the Sloop according as they Shared the Other Fairs of their Voyage and that the further Sum of Thirty five Pounds be allowed and paid out of the publick Treasury to the Said M<sup>r</sup> John Foster, Ten Pounds thereof to be by him repaid to the Said Samuel Doty and the Remainder to be Equally Divided among the other Men. [*Passed December 9.*]



## CHAPTER 225.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE OF BOTH HOUSES ON  
Y<sup>E</sup> PETITIONS OF DIVERS INHABIT<sup>TS</sup> OF DUXBORO & MARSHFIELD.

IN OBEDIENCE to the Order of the Great and General Court in their Session in May 1726, In Answer to the Petition of Sundry Inhabit<sup>ts</sup> of the Towns of Duxboro; and Marshfield; The Committee appointed to repair to the Said Towns, View and Consider their Scituation & Circumstances and hear the Pleas and Allegations of both Sides: Having attended that Service, Do Report as follows, Viz<sup>t</sup>

Legislative  
Records of the  
Council, xiii.,  
241.

House Jour-  
nal, p. 33.  
*Ante*, p. 33,  
chap. 80.

That we are humbly of Opinion, It will be most for y<sup>e</sup> Advantage of Said Towns, That the Meeting Houses and Inhabitants in each Town do remain as they now are, And that the Inhabitants in y<sup>e</sup> North Part of the Town of Marshfield, Do desist from Building a Meeting House at Present; And humbly propose, That (for y<sup>e</sup> Ease of the Inhabitants in the North Part) in the Months of December January February and March Yearly the Said North Part Shall (if they desire it) have Preaching in Some convenient House in y<sup>e</sup> Neighbourhood, The Charge arising to be born by the whole Town And not to exceed Thirty Shillings nor be less than Twenty five Shillings each Lords Day.

Marshfield Nov<sup>r</sup> 18, 1723.By Order of the Com<sup>tee</sup>W<sup>M</sup> TAILER

Read and

*Ordered* that this Report be Acepted. [*Passed December 9.*]

## CHAPTER 226.

RESOLVE ALLOWING PAYMENT OF THE MUSTER ROLL OF CAPT JOS:  
WHITE.

A MUSTER ROLL of the Company of Voluntiers who Served in the Year 1722, Against the Indian Enemy under the Command of Capt. Joseph White, containing an Aceompt of Wages for their Service from the first of October 1722, to the 28<sup>th</sup> of S<sup>d</sup> Month Amounting to the Sum of £97. 18. 8.

Legislative  
Records of the  
Council, xiii.,  
242.

House Jour-  
nal, p. 29.

[Read, and Acepted and]

*Resolved* that the Sum of Ninety Seven Pounds Eighteen Shillings and Eight pence be allowed and paid out of the publick Treasury to Nathaniel Southworth to be by him paid to whom the Same is respectively due in full Discharge thereof. [*Passed December 9.*]

## CHAPTER 227.

RESOLVE ABATING Y<sup>E</sup> TAX OF Y<sup>E</sup> TOWN OF MENDON.

A MEMORIAL of M<sup>r</sup> John Brown Representative of y<sup>e</sup> Town of Mendon, Shewing (in Behalf of the Said Town) That it has pleased God in his holy Providence to Visit the Said Town with a violent Sickness, which has reduced the Inhabitants to Such low Circumstances that many of them have been unable to pay their Rates so that y<sup>e</sup> Town has been forced to abate them their Rates; And therefore pray-

Legislative  
Records of the  
Council, xiii.,  
244.

Legislative  
Records of the  
Council, xiii.,  
124. House  
Journal, p. 19.

Province  
Laws, ii., 389,  
chap. 9.

ing that the Province Tax of the Said Town for this Curr<sup>t</sup> Year may be abated and that they may have Such other Relief as to the Wisdom and Goodness of this Court Shall Seem meet.

Read, And The House took under Serious Consideration the Distress'd State of the Town of Mendon.

And for their Relief,

*Resolved*, That the Sum of Fifty Pounds be abated out of the Tax for this present Year to y<sup>e</sup> Town of Mendon And that the Assessors of that Town deduct the Same from those persons and those only in the Constables Rate Bills as are poor & have been afflicted with the late distressing Sickness in that Town, according to their best Discretion. [*Passed December 10.*]

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## CHAPTER 228.

RESOLVE ALLOWING £30 TO SARAH WIGGLESWORTH & MARY DENISON.

Legislative  
Records of the  
Council, xiii.,  
246.

House Jour-  
nal, p. 6.  
Province  
Laws, viii., 237,  
chap. 94; x.,  
27, chap. 53;  
736, chap. 460.

A PETITION of Sarah Wigglesworth and Mary Denison Children and Heirs of M<sup>r</sup> John Leveret late President of Harvard College decēd Shewing, That their Said Father died the third Day of May 1724 in the place of President as aforesaid, In which Office he had Served for the Space of Sixteen Years. And his Stated allowance in that important Trust being but One Hundred and Fifty pounds per Annum, And for Some Years a Small Addition was made thereto, He was necessitated for the Decent Support of his Family to Sink the yearly Rents of his own Estate, And to fall in Debt One Hundred pounds every Year, So that his Debts at his Decease amounted to £2,000 And the Petitioners have been forced to Sell the Estate come to them by their Great Grandfather to discharge their S<sup>d</sup> Fathers Debts, That for four Years before his Death he had no House allowed him as all other Presidents had the Presidents House being pulled down to make Room for the New College by which he lost Twenty Pounds a Year, And that there is now due to y<sup>e</sup> Petition<sup>rs</sup> two months Rent of their House in which M<sup>r</sup> Presid<sup>t</sup> Wadsworth dwelt, And therefore praying that this Court in their great Goodness and Justice would make them Such Allowance out of y<sup>e</sup> publick Treasury as to them Shall Seem meet.

Read and

*Resolved* That the Sum of Thirty Pounds be allowed and paid out of the Publick Treasury to the Petitioners in full Satisfaction of and in Answer to the Petition Viz<sup>t</sup> Twenty Pounds in Consideration of the late President Leverets Salary from April 14, to May 3<sup>d</sup> 1724, And Ten pounds in Consideration of the two Months House Rent mentioned in the Petition. [*Passed December 13.*]

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## CHAPTER 229.

RESOLVE ALLOWING £3. 17. 2 TO D<sup>r</sup> ALEX<sup>r</sup> BULMAN.

Legislative  
Records of the  
Council, xiii.,  
247.

House Jour-  
nal, p. 38.  
Province

A MEMORIAL of Alexander Bulman, Shewing that in the Year 1723, He Served, the Province as a Chirurgeon under the Command of Capt Joseph Majory in the Sloop Endeavour on a Cruise Eastward for the Space of Fifteen Weeks and three Days, And inasmuch as the Said Capt Majory in making up his Muster Roll omitted the Charge of Twenty

Shillings per Month, Wages conformable to an Agreement the Mem<sup>ist</sup> made w<sup>th</sup> M<sup>r</sup> Treas<sup>r</sup> Allen, praying the Same may be allowed. Laws, x., 372, chap. 260.

Read [and Accepted] and

*Resolved* that y<sup>e</sup> Sum of Three pounds Seventeen Shillings and two pence be allowed & paid out of the Publick Treasury to the Memorialist in full Discharge thereof. [*Passed December 13.*]

## CHAPTER 230.

RESOLVE ALLOWING PAYMENT OF THE MUSTER ROLL OF Y<sup>E</sup> SLOOP MERRY MEETING.

A MUSTER ROLL of the Sloop Merry Meeting, Capt. Thomas Saunders Master, Containing an Accompt of Wages due to the Said Master & Company for their Service from June 11<sup>th</sup> to October 7<sup>th</sup> 1726 with the Hire of y<sup>e</sup> Sloop the Said Time, Amounting to the Sum of £170. Legislative Records of the Council, xiii., 247.

[Read & Accepted, and]

*Resolved*, That the Sum of One Hundred and Seventy Pounds be allowed and paid out of y<sup>e</sup> publick Treasury to Capt. Thomas Saunders to be by him paid to whom it is respectively due in full Discharge of the Wages and Sloop Hire. [*Passed December 13.*]

House Journal, p. 38.

## CHAPTER 231.

ORDER REFERRING SCITUATE PETITION TO MAY SESSION.

A PETITION of Amos Turner Representative of the Town of Scituate by Direction of the Said Town, Shewing that there is a Difference between the Towns of Scituate and Hingham about laying out an High Way over Bound Brook River so called, But in Regard the Said Brook is the Bounds between the Said Towns and divides the Counties of Plimouth and Suffolk ; The Town of Scituate cannot lay out their High-Way because the Town of Hingham will not joyn with them therein ; therefore praying that this Court would appoint and empower a Committee to lay out the Said Way, and do what they Shall think proper to be done in Order to Settle the Same, And put an End to the Difference between the Said Towns. Legislative Records of the Council, xiii., 248.

House Journal, p. 38.

Read and Refer'd to y<sup>e</sup> Second Tuesday of the Next May Session of this Court, And that in y<sup>e</sup> mean Time the Petitioner notify the Adverse Party, Viz<sup>t</sup> the Town of Hingham with a Copy of the Petition. That they Shew Cause on the Third Tuesday of the Said Session Why the Prayer of the Petition Should not be granted. [*Passed December 13.*]

## CHAPTER 232.

RESOLVE ALLOWING £10 TO M<sup>R</sup> DAVID PARSONS.

ON THE MUSTER ROLL of Capt Samuel Wright & Comp<sup>a</sup>

*Resolved*, That the Sum of Ten pounds be allowed and paid out of the publick Treasury to M<sup>r</sup> Caleb Lyman for the Accompt of M<sup>r</sup> David Parsons, It being in Consideration and in Order to rectifie an Error in Legislative Records of the Council, xiii., 251.

Province

Laws, x., 701,  
chap. 349.

the Court in Decem<sup>r</sup> 1725 in passing the Order for the payment of the Substence of Some of the men within mentioned.<sup>1</sup> [*Passed December 13.*

## CHAPTER 233.

### RESOLVE FOR ESTABLISHING THE PAY OF Y<sup>e</sup> GARRISON AT CASTLE WILLIAM.

Legislative  
Records of the  
Council, xiii.,  
251.

Legislative  
Records of the  
Council, xiii.,  
245. House  
Journal, p. 34.  
Province  
Laws, x., 364,  
chap. 234.

*Resolved* that the Commission & Warrant Officers & the Soldiers at Castle William be paid out of the publick Treasury in Manner following; viz, The Captain, One Hundred & twenty five Pounds per Annum; The Lieutenant, Seventy five Pounds per Annum, The Gunner, Fifty Pounds per Annum; Six Quarter Gunners, forty five shillings per Month each; One Sergeant, forty five shillings per Month; Three Corporals & a Drummer, thirty seven shillings per Month each; & twenty five Centinels thirty shillings per Month each; & a Chaplain to be allowed Sixty five Pounds per Annum; Provided that in the Enlistment of the said Gunners Sergeant & Corporals & private Centinels, they be able bodied & good effective Men, PROVIDED also this Duty be by the forementioned several Officers performed; viz, That the Captain be upon the Place at least three Days in the Week, & as oft else as necessary Occasions call for him, Except in Case of Sicknes or some Thing extraordinary happen, or such other Time or Times as he obtain Leave for from the Captain General or Commander in Chief for the Time being; That the Lieutenant be continually there, Except when he shall have Leave from the Governor or Commander in Chief for the Time being, or from the Captain of the Castle; That the Chaplain read the Scriptures & perform daily Prayers Morning & Evening in the Chappel, & preach twice every Lords Day, Except in Case of Sicknes or Absence by Leave of the Captain; That the Gunner reside there, & that the Captain; & in his Absence the Lieutenant, do take effectual Care that the Officers & Soldiers there in Pay be constantly disciplined, more especially the Quarter Gunners, in Order to make them more expert in the Exercise of the great Artillery, in Levelling, Traversing & Firing the Guns &c, That so in Time they may be capable of that Duty in actual Service. And this present Establishm<sup>t</sup> to commence & begin from the Expiration of the last Establishm<sup>t</sup> for the Pay of that Garrison, & from thence to be of Force & Vertue until the Term of four Years be expired: Provided that it be made to appear to this Court, before any Muster Roll for that Garrison be pass'd for Payment, that the Officers & Soldiers have performed the Service enjoined by this Establishm<sup>t</sup> And for the further Encouragement of the Warrant Officers & Soldiers that shall enlist at the said Castle of so great Importance to this Governm<sup>t</sup>

It is hereby further

*Resolved* that the Sum of Three Pounds with a red Coat not exceeding Four Pounds Value shall be allowed to each good able bodied effective Man as afore said, & no other; And that no Indian Negroe, or Molatto, except one Servant of the Captains, be enlisted or retained in the Service at the Castle, And no other Man, unless he be Sui Juris be enlisted as aforesaid. [*Passed December 14.*

<sup>1</sup> Not found in the House Journal.

## CHAPTER 234.

RESOLVE ALLOWING £112. 17. 8 TO M<sup>r</sup> ANTH<sup>o</sup> SANDERSON.

AN ACCOUNT of M<sup>r</sup> Anthony Sanderson of London, of several Expences & Disbursements for the Service of the House of Representatives of this Province, for whom he was an Agent at the Court of Great Britain in the Years, 1723, & 1724, Amounting to the Sum of £223. 7. 8 Sterling.

Read & [accepted and]

*Resolved* that M<sup>r</sup> Treasurer Allen be & hereby is directed to purchase Bills of Exchange to the Value of One Hundred & twelve Pounds seventeen shillings & eight pence Sterling; Consigning them to M<sup>r</sup> Francis Wilks Merchant in London; The said Sum to be by him paid to the said M<sup>r</sup> Anthony Sanderson; Taking his Receipt therefor in full for his Time & Trouble in the Service of the House of Representatives

And if the said M<sup>r</sup> Sanderson shall make it appear to the House, that he has really been at any further Charge & Expence than is allowed above, that a further Consideration thereof be then had. [*Passed December 14.*]

Legislative  
Records of the  
Council, xiii.,  
253.

House Jour-  
nal, p. 40.  
Province  
Laws, x., 333,  
chap. 324.

## CHAPTER 235.

VOTE FOR LIEUT. JN<sup>o</sup> LARRABEES VICTUALLING THE GARRISON AT CASTLE WILLIAM.

*Voted* that Lieuten<sup>t</sup> John Larrabee of His Majestys Castle William be impowered & directed to Victual the Officers & Soldiers at the Garrison there, During the Establishm<sup>t</sup> of the Pay of that Garrison pass'd this Court in their present Session. [*Passed December 14.*]

Legislative  
Records of the  
Council, xiii.,  
254.

House Jour-  
nal, p. 40.  
*Ante*, p. 88,  
chap. 233.

## CHAPTER 236.

ORDER GRANTING STEP. RICHARDSONS PETITION FOR LICENSE TO SELL STRONG DRINK.

A PETITION of Stephen Richardson of Woburn, Praying that the Court of General Sessions of the Peace for the County of Middlesex at their present Session held at Charlestown may be impowered to grant him a Licence to sell strong Drink, Notwithstanding the Time appointed by Law for granting Licences for this present Year is past, the Petition<sup>r</sup> having obtained the Approbation of the Select men of the Town of Woburn where he dwells for the same, & he living in a convenient Place therefor.

Read &

*Ordered* that the Prayer of the Petition be granted, And that it shall & may be lawful for the Justices for the County of Middlesex in their present General Sessions of the Peace to grant a Licence to the Petitioner to be a Taverner in Woburn (if they see Cause) The Time by Law appointed for granting Licences for this present Year being elapsed Notwithstanding. [*Passed December 15.*]

Legislative  
Records of the  
Council, xiii.,  
254.

House Jour-  
nal, p. 42.  
Province  
Laws, ii., 401,  
chap. 11.

## CHAPTER 237.

RESOLVE FOR £2,000 TO BE ADDED TO THE STOCK FOR THE INDIAN TRADE.

Legislative  
Records of the  
Council, xiii.,  
256.

House Jour-  
nal, pp. 35, 44.  
*Ante*, p. 70,  
chap. 185.

*Resolved* that the Treasurer be & hereby is directed to advance the Sum of Two Thousand Pounds out of the publick Treasury to be added to the Stock already granted for carrying on the Trade with the Indians, The said Sum to be used & employed by the Treasurer. Agreeable to the Directions of this Court for carrying on the said Trade. [*Passed December 16.*]

## CHAPTER 238.

RESOLVE ALLOWING PAYMENT OF CPT. JOS. HEATH'S MUSTER ROLL.

Legislative  
Records of the  
Council, xiii.,  
256.

House Jour-  
nal, p. 45.

A MUSTER ROLL of the Garrison in His Majestys Service at the Fort at Richmond under the Command of Cpt. Joseph Heath Containing an Accompt of Wages due to them for their Service from the 25<sup>th</sup> of August to the 14<sup>th</sup> of Decem<sup>r</sup> 1726, Amounting to the Sum of £174. 4. 4.

[Read & Accepted and]

*Resolved* that the Sum of One Hundred & seventy four Pounds four shillings & four pence be allowed & paid out of the publick Treasury to Cpt. Joseph Heath to be by him repaid to the Officers & Soldiers born on the said Roll in full Discharge thereof. [*Passed December 16.*]

## CHAPTER 239.

RESOLVE ALLOWING £5 TO COLL. JOHN STODDARD.

Legislative  
Records of the  
Council, xiii.,  
256.

House Jour-  
nal, p. 45.

AN ACCOMPT presented by Coll. John Stoddard of several Expresses sent on the publick Service, Amounting to the Sum of £5. 10.

[Read and Accepted and]

*Resolved* that the Sum of Five Pounds be allowed & paid out of the publick Treasury to Cpt. Thomas Wells, to be by him repaid to Coll. John Stoddard in full Discharge thereof. [*Passed December 16.*]

## CHAPTER 240.

RESOLVE ALLOWING £38. 3. 6 TO D<sup>r</sup> GEORGE PEMBERTON AND 32/ TO GEORGE LE MOTT.

Legislative  
Records of the  
Council, xiii.,  
256.

House Jour-  
nal, p. 45.

AN ACCOMPT presented by D<sup>r</sup> George Pemberton of Medicines & Attendance on the Garrison at His Majestys Castle William from May 26. 1726, to Decem<sup>r</sup> 10. 1726, Amounting to the Sum of £38. 3. 6.

[Read & Accepted and]

*Resolved* that the Sum of Thirty eight Pounds three shillings & six pence be allowed & paid out, of the publick Treasury to the Accomptant D<sup>r</sup> George Pemberton in full Discharge thereof. And that the further Sum of Thirty two shillings<sup>1</sup> be allowed & paid out of the publick Treasury to the said D<sup>r</sup> George Pemberton, to be by him repaid to George Le Mott in full Discharge of the Accompt annexed. [*Passed December 16.*]

<sup>1</sup> The House Journal reads, 32/ 10.

## CHAPTER 241.

RESOLVE ON MESS<sup>RS</sup> SAM<sup>LL</sup> WALDO & THO. WESTBROOKS PETITION  
FOR A GUARD AT SCARBORÔ.

A PETITION of M<sup>r</sup> Samuel Waldo of Boston (Agent for M<sup>r</sup> Ralph Gulston of London) & Thomas Westbrook of Portsmouth Esq<sup>r</sup> Shewing that the said Ralph Gulston has contracted with the principal Officers of His Majestys Navy, for providing & carrying into Great Britain for the Use of the Navy, six Ship Loads of New England Masts, Yards & Bowsprits, & hath obtained the Royal Licence for Cutting Trees fit for that Service, & the Petition<sup>r</sup> Waldo hath indented & agreed with the other Petitioner to furnish & provide the said Masts &c, And the said Petitioner Westbrook in Pursuance of the said Agreem<sup>t</sup> hath built a House at Scarborô in the County of York for his Convenience in lodging Stores & hath employed a considerable Number of Work men & a large Team of One Hundred Oxen for the carrying on & effecting the said Work & bringing the said Masts &c, to the Water Side, but upon the Advice of the Captivating of some English People at Kennebunk, in October last the greatest Part of his People left him & refused to work any longer with him, without a Guard to defend them from the Indians; By which means he is left destitute & cannot perform his Agreem<sup>t</sup> And for as much as the said Mast Ships will load either at Winter Harbour or Casco Bay, & thereby bring considerable Trade into those Parts of the Province; Which will contribute much to the Growth & flourishing Condition of that Countrey, in Case they can be encouraged & protected; And therefore Praying that the necessary Encouragement may be given to the said Affair by appointing a suitable Guard for the Safeguard of the Persons employed in that Work

Read &

*Resolved* that His Honour the Lieuten<sup>t</sup> Governor be desired to appoint a Corporal to enlist nine able bodied Men & post them at Scarborô as a Guard & Security to the Petitioners in the Business of Masting the Royal Navy according to His Majestys Royal Licence; the Men to be continued there till the Session of this Court in May next, & to be paid by the Province according to the last Establishm<sup>t</sup> & subsisted at the Charge of the Petitioner, And that His Honour the Lieuten<sup>t</sup> Governor be also desired to give his Orders to the Corporal that may command the Men for his Direction in the Scouting & Guarding as afore said, and not to be employed otherwise. [*Passed December 16.*]

Legislative  
Records of the  
Council, xlii.,  
258.

House Jour-  
nal, pp. 18, 26,  
33, 41, 42.  
*Aut.*, p. 88,  
chap. 233.

## CHAPTER 242.

RESOLVE FOR EMITTING £5,000 IN BILLS OF CREDIT AND PROVIDING  
SECURITY.

*Resolved* That the Treasurer be and hereby is Impowred and Directed to issue forth & Emit the Sum of Five Thousand pounds in Bills of Credit on this Province for the necessary Defence & support of this Government and the protection and preservation of the Inhabitants thereof; the said Five Thousand pounds, being already in the hands of the Treasurer & received for Taxes Impost &c, to be issued and disposed of by Warrant under the hand of the Lieutenant Governour or Comander in Chief for the time being with the advice and Consent of the Council, Four Thousand eight hundred pounds whereof shall be applied for the Uses Intents and purposes in this Resolve hereafter

Legislative  
Records of the  
Council, xlii.,  
259. Mass.  
Archives, ci.,  
441.

House Jour-  
nal, p. 43.  
Province  
Laws, ii., 411.

Expressed viz<sup>t</sup> For the payment of all Grants Premiums and stipends Established by Law, for the defreying & paying the Charges of Castle William and the other Forts and Garrisons, Transports, Muster Rolls of soldiers & Sailors Allowances &c and all other Accompts of charges Allowed and passed on for payment by this Court, and that the sum of Two hundred pounds being the Residue and remaining part of the said Sum of Five Thousand pounds Shall be applied for the payment of Expresses dispatched in the service of this Government in the Recess of this Court together with all other necessary unforeseen charges that demand prompt payment which shall arise in the Recess of the Court afores<sup>d</sup>; Provided always that the several Drafts made upon the Treasurer afores<sup>d</sup> Express and Declare out of which of the two several Sums afore mentioned the money is to be paid, and the s<sup>d</sup> Bills shall pass out of the Treasury at the value therein expressed equivalent to money & shall be so taken and Accepted in all Publick paym<sup>ts</sup>; And that the Duties of Impost and Excise together with all other Publick Incomes shall be a Fund and security for the Repayment and drawing in the s<sup>d</sup> Bills into the Treasury again so farr as the same will reach And as a further Fund and security for the same

It is further

*Resolved* That there be and hereby is Granted unto His Most Excellent Majesty for the Ends and uses aboves<sup>d</sup> and for no other Ends and uses whatsoever A Tax of Five Thousand pounds to be Levyed upon Polls and Estates both Real and personal within this province according to such Rules and in such proportion upon the several Towns and Districts within the Same, as shall be Agreed on and Ordered by the Great and General Court or Assembly of this Province at their session in May One Thousand seven hundred and Thirty four, and paid into the Publick Treasury on or before the last day of December next after. [*Passed December 17.*]

## CHAPTER 243.

### VOTE ABOUT A MISSIONARY.

Legislative  
Records of the  
Council, xiii.,  
237, 290. Mass.  
Archives, xi.,  
418. House  
Journal, p. 27.

House Jour-  
nal, p. 44.

GENTLEMEN of the House of Representatives. Being Sensible That it is the Indispensable Duty of this Government to Use their best Endeavours for the Proselyting the Eastern Indians to the Protestant Faith and that their Children be instructed in the English Tongue, And being lately informed of the good Disposition of the Said Indians to have their Children taught to read, That so they may have the Knowledge of the Holy Scriptures; I think my Self Obliged to recommend to you to make a Suitable & Sufficient Provision for the Support and Encouragement of a Missionary for that Important Service; And altho; it has been difficult to get a Person every way qualified to Undertake it; Yet I have now an Offer from One who is very Sufficient and well Spirited to y<sup>e</sup> Service And of whom I have good Recommendation, W<sup>ch</sup> Shall be communicated to you.

[Dec. 7, 1726]

[W<sup>m</sup> DUMMER].<sup>1</sup>

In the House of Represent<sup>ves</sup> In Answer to His Honours Message:

*Voted* That it is the Duty, and may be greatly for the Interest of this Government to send a person Suitably qualified for that Important Service to be Appointed by (and under the regulation of) this Court but Considering the present unsettled Condition of those Indians it seems improbable that any Essays of that Nature should have the desired Effect at present, and therefore that the further Considera-

<sup>1</sup> Signature inserted from the House Journal.



tion of that Matter be referred to the next May session, and in the mean time that all proper Endeavours be Used to provide a Suitable person for that Service who shall be paid out of the publick Treasury In Council, Read & Concur'd. [*Passed December 17.*]

## CHAPTER 244.

## RESOLVE ALLOWING £10 TO CORNEL. HALL.

A PETITION of Cornelius Hall of Falmouth in the County of York, Shewing, that in July 1725, being a Soldier under the Command of Coll. Thomas Westbrook, he was sent out on a Guard to some of the Inhabitants in Mowing & making of Hay, & one of the Soldiers by Accident, with his Gun loaded with three Bullets shot him through the Ankle, & the Bone being broken & shot away, he is become a Cripple & unable to help himself or do any thing for his Livelihood, And he has been under the Care of Dr Allen, And Praying the compassionate Consideration of this Court, & that some suitable Provision may be made for his Relief.

Legislative  
Records of the  
Council, xliii.,  
260.

House Jour-  
nal, p. 46.

Read [and Accepted] &

*Resolved* that the Sum of Ten Pounds be allowed & paid out of the publick Treasury to Cpt. Joshua Moody for the Use of the said Cornelius Hall in Consideration of his Smart & Pain occasioned by the Wounds within mentioned. [*Passed December 17.*]

## CHAPTER 245.

## RESOLVE ALLOWING 30/ TO JOHN ROBINS.

A PETITION of John Robins Praying the Allowance of his Acc<sup>t</sup> of Time & Expende in going Express to Maquoit & afterwards to Richmond Fort, being detained by bad Weather; His said Accompt amounting to the Sum of Three Pounds nine shillings & six pence.

Legislative  
Records of the  
Council, xliii.,  
260.

House Jour-  
nal, p. 45.

Read [and Accepted] &

*Resolved* that the Sum of thirty shillings be allowed & paid out of the publick Treasury to the Petitioner John Robins in full Discharge of the Service herein mentioned. [*Passed December 17.*]

## CHAPTER 246.

## RESOLVE ALLOWING £5 TO TIMO RICHARDSON.

A PETITION of Timothy Richardson, Shewing that whereas he was wounded by the Indian Enemy at the Fight at Pigwacket under Cpt. Lovewell by a Bullet that went thro the Trunk of his Body & was taken out of his Bone, he is disabled by the said Wound, that he can do but little for the Support of his Family, And therefore Praying this Court would extend their Compassion to him for his further Relief.

Legislative  
Records of the  
Council, xliii.,  
260.

House Jour-  
nal, p. 46.

Read [and Accepted] &

*Resolved* that the Sum of Five Pounds be allowed & paid out of the publick Treasury to Timothy Richardson in full Consideration of the said Petition. [*Passed December 17.*]

## CHAPTER 247.

RESOLVE ALLOWING £15 TO AND. ANDERSON.

Legislative  
Records of the  
Council, xiii.,  
261.House Jour-  
nal, p. 46.  
*Ante*, p. 57,  
chap. 145.

A PETITION of Andrew Anderson,<sup>1</sup> Shewing that in the Service of this Province in August last, he being on board one of the Sloops that attended on His Honour the Lieuten<sup>t</sup> Governor at the Ratification of the Treaty of Peace, & on the Return of His Honour & the Gentlemen, Coming up the Harbour of Boston, in loading a great Gun, it unhappily fired & carried off the Thumb of his Right Hand & shattered the Bones of his said Hand, Praying the further Consideration of this Court for such Relief as in their Wisdom & Goodness shall seem meet.

[Read and Accepted and]

*Resolved* that the Sum of Fifteen Pounds be allowed & paid out of the publick Treasury to the Petitioner Andrew Anderson in full Consideration of his Loss of Time, as within set forth. [*Passed December 17.*]

## CHAPTER 248.

RESOLVE ALLOWING 40/ TO WM FITZ SYMMONS.

Legislative  
Records of the  
Council, xiii.,  
261.House Jour-  
nal, p. 45.

A PETITION of William Fitz Symmons, Praying the Consideration of this Court for such Allowance as they shall judge reasonable for his going Express in the Service of the Province at divers Times, as particularly set forth in the Petition, And as appears from the several Certificates from the Officers, thereto annexed.

Read [and Accepted] &amp;

*Resolved* that the Sum of Forty shillings be allowed & paid out of the publick Treasury to the Petitioner William Fitz Symmons in full Discharge thereof. [*Passed December 17.*]

## CHAPTER 249.

RESOLVE ALLOWING £7. 10 TO JANE HALL.

Legislative  
Records of the  
Council, xiii.,  
261.House Jour-  
nal, p. 46.

AN ACCOUNT presented by Jane Hall of Nursing Robert Hews & Samuel Fuller Soldiers in His Majestys Service Eastward by Order of Coll. Thomas Westbrook & Cpt. Richard Bourn, Amounting to the Sum of £8. 15.

[Read &amp; Accepted and]

*Resolved* that the Sum of Seven Pounds ten shillings be allowed & paid out of the publick Treasury to Cpt. Joshua Moodey for the Use of the Accomptant Jane Hall in full of this Account. [*Passed December 17.*]

## CHAPTER 250.

ORDER GRANTING A LICENSE AS INN KEEPER TO THO. PERKINS.

Legislative  
Records of the  
Council, xiii.,  
262. Mass.  
Archives, xxi.,  
85.

A PETITION of Thomas Perkins of Arundel in the County of York Setting forth that there is no Inn Keeper in said Town, Which has been complained of to the Select men, It being necessary that there should be an Inn in said Town for the Accomodation of Travellers

<sup>1</sup> "Andross," *ante*, p. 57, chap. 145.

& Sea faring Men that come there, Praying that the Justices of the Court of General Sessions of the Peace for the said County may be empowered to grant a Licence to the Petitioner to keep a Tavern or Inn, Notwithstanding the Time limited by Law for granting Licences is elapsed.

Read and

*Ordered* That the prayer of the petition be granted and that it shall be lawfull for the Justices of the peace for the County of York at their next Court of General Sessions, of the peace, and they are hereby empowered & Directed accordingly to grant a Licence to the petitioner to be a Taverner in the Town of Arundell (if they see Cause) The Time by Law Appointed for granting Licences for the present year being Elapsed notwithstanding. [*Passed December 19.*]

Mass.  
Archives, cxl.,  
84, 85. House  
Journal, p. 47.  
Province  
Laws, li., 491,  
chap. 11.

## CHAPTER 251.

VOTE ABOUT TRUCK HOUSES AT RICHMOND AND ST. GEORGE'S RIVER.

*Voted* That the two Houses at Richmond and St Georges River shall be Used & improved as Truck Houses for and during the space of One Year next ensuing. [*Passed December 21.*]<sup>1</sup>

Legislative  
Records of the  
Council, xlii.,  
263. Mass.  
Archives,  
cxix., 282.

Mass.  
Archives,  
cxix., 280.  
House Jour-  
nal, p. 49.

## CHAPTER 252.

RESOLVE ALLOWING £12. 14 TO CPT. TIM<sup>O</sup> DWIGHT.

AN ACCOMPT of Cpt Timothy Dwight, of Horse Hire, Sending Expresses, Carting Provisions &c, Amounting to the Sum of £17. 19. 6. [*Read & Accepted and*]

*Resolved* that the Sum of Twelve Pounds fourteen shillings be allowed & paid out of the publick Treasury to the said Cpt. Timothy Dwight in full Discharge of the said Acc<sup>t</sup>. [*Passed December 21.*]

Legislative  
Records of the  
Council, xlii.,  
268.

House Jour-  
nal, p. 50.

## CHAPTER 253.

RESOLVE ALLOWING PAYMENT ON THE MUSTER ROLL OF CPT. SAM<sup>LL</sup> JORDAN.

A MUSTER ROLL of the Company late in His Majestys Service Eastw<sup>d</sup> under the Command of Cpt. Samuel Jordan, Containing an Acc<sup>t</sup> of Wages due to them for their Service from the 12<sup>th</sup> of Novem<sup>r</sup> 1725, to the 24<sup>th</sup> of January 1725, Amounting to the Sum of £171. 9. 8.

[*Read and Accepted and*]

*Resolved* that the Sum of One Hundred & fifty eight Pounds five shillings & five pence be allowed & paid out of the publick Treasury to the Officers & Soldiers born on the within Roll, to whom the same is respectively due, in full Discharge thereof, Agreeable to the Committees Report. [*Passed December 21.*]

Legislative  
Records of the  
Council, xlii.,  
268.

House Jour-  
nal, p. 50.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 20.

## CHAPTER 254.

## ORDER IMPOWERING PRISCILLA BARRON TO SELL LAND.

Legislative  
Records of the  
Council, xiii.,  
268.

House Jour-  
nal, p. 52.

A PETITION of Priscilla Barron, Widow of Elias Barron late of Groton Dec<sup>d</sup> Shewing that the said Elias Barron being one of Cpt. Lovewells Company received a Wound at the Fight at Pigwacket, of which he died in the Woods, & left the Petitioner three small Children to maintain, that the Deceaseds Personal Estate valued at about Sixty Pounds, consisted mostly of Necessaries for House Keeping & his Real [Estate] of about Sixty two Acres of Land, on which he erected a Frame for a House in his Life Time, which is still unfinished, & the Petitioner unable to finish it; & having no Servant to subdue & improve the Land for her Childrens Support, And the Dec<sup>d</sup> having left Debts on the Estate to the Amount of about Sixty Pounds, Therefore Praying that she may be empowered to sell the said sixty two Acres of Land with the Frame upon it, The Produce thereof (after the Debts are paid) to be let out at Interest for the Benefit of the Children, & that the Petition<sup>r</sup> may be the better able to bring them up.

Read &

*Ordered* that the Prayer of this Petition be granted, & that the Petition<sup>r</sup> be & hereby is empowered to make Sale of the Land & the Frame thereon, mentioned in the Petition, & to give a good & sufficient Deed or Deeds in the Law for the Conveyance of the same, And the Remainder of the Produce, (after Payment of the Deceaseds Debts) to be put out to Interest, One Third of the Interest thereof to be for the Use of the Petitioner during her natural Life, & the remaining Interest for the Support & Education of the Children of the Deceased; Two Thirds of the Principal to be divided among the Children when they shall come of Age, & the other Third at the Death of their Mother in such Manner as the Law directs; PROVIDED the Petitioner gives Bond with sufficient Security to the Judge of the Probate of Wills for the County of Middlesex for the faithful Performance of the Conditions above mention'd. [*Passed December 21.*]

## CHAPTER 255.

## RESOLVE ALLOWING £41. 3. 6 TO CPT. JOS. HEATH.

Legislative  
Records of the  
Council, xiii.,  
270.

House Jour-  
nal, p. 50.

A REPORT presented by Cpt. Joseph Heath of the Repairs, which by an Order of the Lieuten<sup>t</sup> Govern<sup>r</sup> & Council<sup>1</sup> he made at the Block House at St Georges River, together with an Accompt of the Charge of Materials & Work for effecting the same, Amounting to the Sum of £41. 3. 6.

Read &

*Resolved* that the Sum of Forty one Pounds three shillings & six pence be allowed & paid out of the publick Treasury to Cpt. Joseph Heath, to be by [him]<sup>2</sup> repaid to whom it is due in full Discharge thereof. [*Passed December 21.*]

<sup>1</sup> The House Journal adds, "in the Recess of the Court."

<sup>2</sup> Inserted from the State Library copy, Legislative Records of the Council, xiii., 264.

## CHAPTER 256.

## ORDER IMPOWERING GEO: WEEKS TO SELL 10 ACRES OF LAND.

A PETITION of George Weeks of Harwich, Shewing that he has been put to great Charge in the Law to defend a certain Tract of Land, which he held in Right of his Wife, who lay a long Time under a languishing Illness, which put him to great Expence, so that he is brought so much into Debt, that he is obliged to sell some of his Land to pay off his said Debts, That if he should sell his own Land, that which he holds in right of his Wife would be in a Manner useless to him, because he would thereby have no Outlet either to the High way or to the Water, And therefore Praying that he may be empowered to sell ten Acres of the Land which he had by his Wife, who is now Dec<sup>d</sup> for the Enabling him to pay off the Debts contracted by Law Suits for defending of the said Land, & by the Expences on the Funeral & Sickness of his Dec<sup>d</sup> Wife as aforesaid.

Legislative  
Records of the  
Council, xlii.,  
269.

House Jour-  
nal, p. 54.

With which Petition was presented a Certificate under the Hand of . . .<sup>1</sup> Wing, Brother of the Dec<sup>d</sup> of his Consent to the said Sale.

Read &

*Ordered* that the Petitioner be & hereby is empowered to make Sale of the ten Acres of Land mentioned in the Petition, Provided the Petitioner by a good Deed in the Law, settle upon his Children by his late Wife so much of his own Lands as in the Judgment of the Judge of Probate for the County of Barnstable shall amount to the Value of the Lands to be sold, & get the said Deed recorded in the Registry of Deeds for the said County. [*Passed December 22.*<sup>2</sup>

## CHAPTER 257.

RESOLVE ALLOWING £20 TO MR DAN<sup>LL</sup> DWIGHT.

A MEMORIAL of Mr Daniel Dwight, Shewing that he was appointed Chaplain of the Garrison at Fort Dummer above Northfield in July 1724, & was allowed Wages for his Service in that Office till Decem<sup>r</sup> 1<sup>st</sup> 1725, & no longer, altho he officiated there till the 14<sup>th</sup> of July last, but his Wages have been cut off from the Muster Roll, tho he had no Dismission from the said Service till that time, Praying the Consideration of this Court & such Allowance as they shall judge meet.

Legislative  
Records of the  
Council, xlii.,  
270.

House Jour-  
nal, p. 51.  
Province  
Laws, x., 436,  
chap. 9.

Read &

*Resolved* that the Sum of Twenty Pounds be allowed & paid out of the publick Treasury to the Memorialist Daniel Dwight in full Satisfaction of the Services mentioned in the said Memorial. [*Passed December 22.*

## CHAPTER 258.

## RESOLVE ALLOWING £6. 10 TO THO. MATTOCKS &amp; JOHN MARRINER.

A CERTIFICATE was presented by Coll. Johnson Harman of his Omission of two Men out of his last Muster Roll; viz, Thomas Mattocks, who was enter'd Novem<sup>r</sup> 23<sup>d</sup> & Dismiss'd Jan<sup>y</sup> 17. 1725, his Wages amount-

Legislative  
Records of the  
Council, xlii.,  
270.

<sup>1</sup> *Sic.*

<sup>2</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is December 21.

House Journal, p. 53.  
*Ante*, p. 75,  
chap. 196.

ing to the Sum of £3. 10 & John Marriner the same Time, his Wages amounting to the Sum of £3.

Read [& Accepted] &

*Resolved* that the Sum of Six Pounds & ten shillings be allowed and paid out of the publick Treasury to the within named, Thomas Mattocks and John Marriner in full Discharge thereof. [*Passed December 22.*]

## CHAPTER 259.

RESOLVE ALLOWING £25. 10. 1 TO BENJ<sup>A</sup> ELLIOT.

Legislative  
Records of the  
Council, xiii.,  
271.

House Journal, p. 52.

AN ACCOMPT presented by Benjamin Elliot Stationer of Paper, Ink, Books & other Stationers Wares delivered for the Council Chamber & House of Represent<sup>ves</sup> together with Laws for the Towns & Members of the Court, from Decem<sup>r</sup> 22. 1725, to Decem<sup>r</sup> 20. 1726, Amounting to the Sum of £25. 10. 1.

[Read and]

*Resolved* that the Sum of Twenty five Pounds ten shillings & one peny be allowed & paid out of the publick Treasury to the Accomptant M<sup>r</sup> Benjamin Elliot in full Discharge thereof. [*Passed December 22.*]

## CHAPTER 260.

RESOLVE ALLOWING £120 PER ANNUM TO THE TRUCKMASTER AT S<sup>T</sup> GEORGES RIVER.

Legislative  
Records of the  
Council, xiii.,  
271. Mass.  
Archives,  
cxix., 284.

Legislative  
Records of the  
Council, xiii.,  
264, 268, 269,  
House Journal, p. 53.  
*Ante*, p. 95,  
chap. 251.  
*Infra*, chap.  
261.

*Resolved* That the Truck Master Appointed to Manage Trade at the Truck House at S<sup>t</sup> George's River shall be allowed and paid out of the publick Treasury after the Rate of One hundred and Twenty pounds p<sup>r</sup> Annum for his Services in Negotiating & Managing the said Trade for the year Currant. [*Passed December 22.*]

## CHAPTER 261.

RESOLVE ALLOWING £100 PER ANNUM TO THE TRUCKMASTER AT RICHMOND.

Legislative  
Records of the  
Council, xiii.,  
271. Mass.  
Archives,  
cxix., 285.

House Journal, p. 53.  
*Supra*, chap.  
260.

*Resolved* That the Truck Master Appointed to Manage the Indian Trade at the Truck House at Richmond shall be allowed & paid out of the publick Treasury after the Rate of One Hundred pounds p<sup>r</sup> Annum for his Services in Negotiating & Managing the said Trade for the year Curr<sup>t</sup>. [*Passed December 22.*]

## CHAPTER 262.

RESOLVE ALLOWING PAYMENT OF THE MUSTER ROLL OF CPT. SAMUEL WHEELWRIGHT.

Legislative  
Records of the  
Council, xiii.,  
271.

House Journal, p. 53.

A MUSTER ROLL of the Company late in His Majestys Service Eastward under the Command of Cpt. Samuel Wheelwright, Containing an Acc<sup>t</sup> of Wages due to them for their Service from the 17<sup>th</sup> of Novem<sup>r</sup> 1725, to the 8<sup>th</sup> of Jan<sup>y</sup> following, Amounting to the Sum of £86. 7. 11.

[Read &amp; Accepted and]

*Resolved* that the Sum of Eighty six Pounds seven shillings & eleven pence be allowed & paid out of the publick Treasury to the Officers & Soldiers born on the within Roll, to whom the same is respectively due in full Discharge thereof. [*Passed December 22.*]

## CHAPTER 263.

RESOLVE ALLOWING £28. 18. 10 TO BENJA<sup>A</sup> ELLIOT.

AN ACCOUNT presented by Benjamin Elliot of Books, Paper & other Stationers Wares deliver'd for the Secretarys Office from the 22<sup>d</sup> of Decem<sup>r</sup> 1725, to the 20<sup>th</sup> of Decem<sup>r</sup> 1726, together with 180 Copies of the Conference with the Eastern Indians, Amounting in the Whole to £28. 18. 10.

Legislative  
Records of the  
Council, xiii.,  
271.

House Jour-  
nal, p. 53.

[Read and]

*Resolved* that the Sum of Twenty eight Pounds eighteen shillings & ten pence be allowed & paid out of the publick Treasury to the Accountant Benjamin Elliot in full Discharge thereof. [*Passed December 22.*]

## CHAPTER 264.

RESOLVE ALLOWING £34. 13. 4 TO ZECH<sup>A</sup> TRESCOTT.

A MEMORIAL of Zechariah Trescot, Shewing that whereas he was in the Service Eastward as Ensign of Cpt. Richard Bourns Company, he was wounded by the Indians as he was riding Express with the Lieuten<sup>t</sup> Govern<sup>r</sup>s Letters, his Ankle Bone being shattered, so that he is become a Cripple & like to continue so, That he has been divers Times upon Expresses in the Service of the Governm<sup>t</sup> for which he has charged Nothing for his Time but only his Expences, supposing him self to be still in Pay as an Ensign, Praying that he may be allowed Pay to the Time of the Forces being dismiss'd at Arrowsick, or otherwise be relieved.

Legislative  
Records of the  
Council, xiii.,  
272.

House Jour-  
nal, p. 53.

Read [&amp; Accepted] &amp;

*Resolved* that the Sum of Thirty four Pounds thirteen shillings & four pence be allowed and paid out of the publick Treasury to the said Zechariah Trescot in full of the said Memorial. [*Passed December 22.*]

## CHAPTER 265.

RESOLVE ALLOWING £8 TO ENOCH HALL.

A PETITION of Enoch Hall, Shewing that being a Soldier in His Majestys Service, he was wounded by the Indian Enemy near Northfield, for which he has already had an Allowance from this Court, which he acknowledges as a great Favour, And for as much as his Wounds are still open, & there is little Hope of his Recovery Praying that he may be allowed a Pension out of the publick Treasury.

Legislative  
Records of the  
Council, xiii.,  
272.

House Jour-  
nal, p. 53.  
*Ante*, p. 37,  
chap. 88.

Read [&amp; Accepted] &amp;

*Resolved* that the Sum of Eight Pounds be allowed & paid out of

the publick Treasury to Cpt. Thomas Wells, to be by him repaid to the Petition<sup>r</sup> Enoch Hall, in full Satisfaction of his Smart & Loss of Time to this Day. [*Passed December 22.*]

## CHAPTER 266.

### ORDER ON REPORT ABOUT Y<sup>E</sup> PLACING OF METHUEN MEETING HOUSE.

Legislative  
Records of the  
Council, xiii.,  
250, 290. Mass.  
Archives, xi.,  
415.

House Jour-  
nal, pp. 39, 54.

A PETITION of Stephen Barker and Daniel Bodwell in Behalf of themselves and divers others of the Inhabitants of y<sup>e</sup> Town of Methuen Shewing that their Town does not contain fifty Voters legally qualified to Vote in Town Meetings, and that Twenty Six of them Subscribed to a paper, which was carried into the Town Meeting and delivered to the Town Clerk, Setting forth their Inclination to have the Meeting House in the Easterly End of the Said Town, Which paper the Clerk enter'd in the Town Book without any Vote passing for the Same, That there are Lands in the Middle part of the Said Town Set apart for the Ministry which are most accomodable for placing the Meeting House on and which lies most advantageous for the Inhabitants in Gen<sup>l</sup> praying that this Court would Order, that the Meeting House which is Erected at the Easterly End of the Said Town may be removed to Some part of the Ministerial Land aforesaid.

[Upon reading this petition an order of notice to the town of Methuen was given, and afterwards, upon the answer of the town, a committee composed of Daniel Pierce Major Gerrish and Samuel Thaxter was appointed] at the Charge of the Petitioners, to repair to y<sup>e</sup> Town of Methuen as Soon as may be, View and Consider y<sup>e</sup> Circumstances and Scituation of the Said Town, the place where the Meeting House is proposed by the Petitioners to be removed to and Stand, as well as the place where it now Stands, And on Hearing the Parties respecting the placing the Said Meeting House, To report their Opinion to this Court on or before Thursday the twenty Second Day of Decem<sup>r</sup> Currant Where it may be most convenient and Advantageous to the Said Town of Methuen, That the Said Meeting House Shall be Ordered to Stand and remain for the publick Worship of God in Said Town.

The Committee repaired to the Town of Methuen, & having viewed said Town & the Place where the said Meeting House is raised & the Place where the Petition<sup>rs</sup> proposed it should be set, & also heard the several Pleas & Allegations of both Parties relating thereto, Are humbly of Opinion that the Place proposed by the Petition<sup>rs</sup> which is at the Southerly End of the Hill called Meeting House Hill upon a small rising Ground is the properest Place to set the Meeting House for accomodating y<sup>e</sup> whole Town.

SAM<sup>LL</sup> THAXTER by Order of the Committee.

Read And

*Ordered* that this Report be Accepted And that the Meeting House in the Town of Methuen be placed accordingly. [*Passed December 22.*]<sup>1</sup>

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 28.



## CHAPTER 267.

## ORDER FOR CALLING A TOWN MEETING AT STOUGHTON.

*Ordered* that Nath<sup>l</sup> Hubbard Esq<sup>r</sup> (a principal Inhabitant of the Town of Stoughton) be Impowered & Directed to Notify & Summon the Inhabitants duly qualified for Voters to meet & assemble for the Choosing of Town Officers to stand until the next annual Election according to Law. [*Passed December 23.*]

Legislative  
Records of the  
Council, xiii.,  
272. Mass.  
Archives,  
cxiii 633.  
House Jour-  
nal, p. 56.

## CHAPTER 268.

## RESOLVE ALLOWING PAYMENT OF THE MUSTER ROLL OF THE GARRISON AT FORT MARY.

A MUSTER ROLL of the Garrison in His Majestys Service at Fort Mary at Winter Harbour under the Command of Cpt. Samuel Hinkes Containing an Acc<sup>t</sup> of Wages due to them for their Service from Decem. 1. 1725, to Decem<sup>r</sup> 10. 1726, Amounting to the Sum of £290. 2. 7.

[Read & Accepted and]

*Resolved* that the Sum of Two Hundred & ninety Pounds two shillings & seven pence be allowed & paid out of the publick Treasury to the Officers & Soldiers born thereon respectively, And that M<sup>r</sup> Treasurer be directed to allow to said Hinkes the Subsistence of the Rev<sup>d</sup> M<sup>r</sup> Evelith during the Time he stands on this Roll, in full Discharge thereof. [*Passed December 23.*]

Legislative  
Records of the  
Council, xiii.,  
273.  
House Jour-  
nal, p. 55.

## CHAPTER 269.

## RESOLVE ALLOWING £3. 13. 11 TO CPT. SAMUEL HINKES.

AN ACCOMPT presented by Cpt. Samuel Hinkes, of Provision & Liquor expended at Fort Mary at the Time of the Examination of three Indians seized in October last, as also of the Province Stores expended &c.

[Read & Accepted and]

*Resolved* that the Sum of Three Pounds thirteen shillings & eleven pence be allowed & paid out of the publick Treasury to Cpt. Samuel Hinkes, to be by him repaid to whom the same is respectively due to discharge the said Acc<sup>t</sup> And that M<sup>r</sup> Treas<sup>r</sup> be directed to allow him for the Provisions therein charged. [*Passed December 23.*]

Legislative  
Records of the  
Council, xiii.,  
273.  
House Jour-  
nal, p. 55.

## CHAPTER 270.

RESOLVE ALLOWING £20. 9. 6 TO RICH<sup>d</sup> SMITH.

AN ACCOMPT presented by Richard Smith of 58½ Cords of Fire Wood by him supplied for the Garrison at Fort Mary at Winter Harbour by the Direction of Cpt. Samuel Hinkes Commander there, Amounting to the Sum of £20. 9. 6.

[Read & Accepted and]

Legislative  
Records of the  
Council, xiii.,  
273.  
House Jour-  
nal, p. 55.

*Resolved* that the Sum of Twenty Pounds nine shillings & six pence be allowed & paid out of the publick Treasury to Cpt. Samuel Hinkes for the Use of the said Richard Smith in full Discharge thereof. [*Passed December 23.*]

## CHAPTER 271.

ORDER ON THE PETITION OF DIVERS INHAB<sup>TS</sup> OF DEDHAM & DORCHESTER.

Legislative  
Records of the  
Council, xiii.,  
274. Mass.  
Archives,  
cxliii., 689.

Mass.  
Archives,  
cxliii., 686.  
House Jour-  
nal, p. 57.

A PETITION of sundry Inhabitants of the Southerly Part of the Town of Dedham, & of the Westerly Part of Dorchester South Precinct adjoining to Dedham. Shewing that the Petitioners having laboured under great Inconveniences by their great Distance from the Places of publick Worship, they obtained an Exemption from the said Towns of their Rate for the Ministry in Case they maintain an orthodox Minister, Which they have done for some considerable Time; But not being able to oblige those that live among them, that may be unwilling, to pay their Part towards the Charge of building a Meeting House, & Support of a Minister. Therefore Praying that they may be set off a separate Township within the Bounds hereafter mentioned; viz, Beginning at Bubling Brook, Then crossing Medfield Road, taking in the House Lot of Amos Fisher Jun<sup>r</sup> Thence taking in the House Lot of Joseph Colburn, From thence, taking in the House Lot of Lusher Gay, From thence, to a Place called the Cross Ways, From thence to Purgatory Pond; From thence to a Ford Way a cross Neponset River; Thence upon the River up stream, to a Place called the Horse Shooe, & so, taking in Font Meadow, to Trap Hole Brook, & so to run upon Trap Hole Brook till it comes to Coll. Browns Farm; and upon said Farm, to run upon a Westerly Line to Walpole Line, where it first began: And if the Court should not judge it proper to set y<sup>m</sup> off as a Township, that they may be made a Precinct, & that a Committee may be appointed to view the said Land & their Situation, & judge of the Reasonableness of their Petition, & the properest Place for setting their Meeting House on.

Read &

*Ordered* that the Petition<sup>rs</sup> serve the Towns of Stoughton & Dedham, with Copyes of this Petition, That so they give in their Answer thereto if they see Cause on the first Tuesday of the next May Session. [*Passed December 23.*]

## CHAPTER 272.

## RESOLVE ALLOWING £20 TO SARAH WYMAN.

Legislative  
Records of the  
Council, xiii.,  
278.

House Jour-  
nal, p. 59.

A PETITION of Sarah Wyman Relict Widow of Cpt. Seth Wyman Dec<sup>d</sup> Shewing that her Husband was in the Service of this Province under Cpt. John Lovewell in all his Marches till his Death, & afterwards raised a Company of Volunteers, of which he had the Command, & that he took up for the Use of his Company, Provisions and Cloathing to the Value of Twenty Pounds, which he engaged to pay, & his Estate is now liable for it, That her said Husband died of Sickness which he had contracted by hard Marches against the Indian Enemy, Leaving five small Children behind him & his Estate under Incumbrances that his Land must be sold to pay his Debts, unless the Petition<sup>r</sup> be relieved by this Court, And therefore Praying the Compassion

of the Court & such Allowance out of the publick Treasury in Consideration of the Premisses, as to the Wisdom & Goodness of this Court shall seem meet.

Read [& Accepted] &

*Resolved* that the Sum of Twenty Pounds be allowed & paid out of the publick Treasury to the legal Represent<sup>ve</sup> of Cpt. Seth Wyman the Petition<sup>er</sup>s late Husband Dec<sup>d</sup> in full Satisfaction of & in Answer to the within Petition. [*Passed December 24.*]

## CHAPTER 273.

### ORDER IMPOWERING SARAH INGRAHAM TO COMMENCE AN ACTION FOR RECOVERY OF LAND.

A PETITION of Sarah Ingraham, Shewing that her Husband Henry Ingraham went to Sea about eight Years agoe, bound to Surinam, & has never returned to her since, nor taken the least Care for her Support, so that she is reduced to such Streights, as to be forced to go out to Service for a Maintenance, That since her Husbunds Absence, one of her Brothers died, & has left her an Estate in Land to the Value of Two Hundred & fifty Pounds, Which she can have no Advantage of by reason of her Coverture, & her Husbunds not leaving her a Power of Attorney; And her two Brothers Joseph & Jeremiah Bill refuse to pay her for the said Land; And therefore Praying that she may be impowered to commence an Action for Recovery of the said Land, & upon Recovery to make Sale thereof; Part of the Produce to be allowed her for her present Support & Payment of her Debts, & the Rest to be put out to Interest; she to have the Benefit of the Interest till the further Order of this Court.

Legislative  
Records of the  
Council, xiii.,  
276.

House Jour-  
nal, p. 61.

Read &

*Ordered* that the Petition<sup>r</sup> be & hereby is impowered to commence an Action in the Law in her own Name for recovering her Right in the Lands mentioned in the Petition, & that upon Recovery thereof, she be impowered to make Sale of the said Land, & to give a good Deed or Deeds in the Law for Conveying the same, Any Law, Usage or Custom to the Contrary Notwithstanding; And that the Petitioner be allowed a fifth Part of the Money produced by the said Sale for her present Support, & for paying such Debts as she has already contracted; And that the Remainder be put out to Use for the Petitioners Benefit & Support, & the Principal reserved till the Return of her Husband or the further Order of this Court; And that M<sup>r</sup> Jonathan Mountforth of Boston be desired to assist the Petitioner in the Action for Recovery of the Land & Selling the same, And that he take Care of the Money that shall be produced by the Sale thereof & put it out to Interest according to the Directions above mentioned. [*Passed December 26.*<sup>1</sup>]

## CHAPTER 274.

### ORDER REFERRING TO THE NEXT MAY SESSION MARY TRILLS PETITION COMPLAINING OF A JUDGMENT IN A BASTARDY CASE.

THE HOUSE went into the Consideration of Mary Trills Petition with the Vote of the Court thereon [*ante*, p. 69, chap. 182] And the Time

Legislative  
Records of the  
Council, xiii.,  
279.

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is December 24.

House Jour-  
nal, p. 58.  
*Ante*, p. 69,  
chap. 182.

being elapsed that the adverse Party John Peal should have been served with a Copy thereof :

*Ordered* that the said Petition be refer'd to the second Fryday of the next May Session for further Consideration And that in the mean Time the Petitioner serve the said John Peal with a Copy thereof, That he shew Cause Why the Prayer of the Petition should not be granted.  
[*Passed December 26.*

## CHAPTER 275.

### RESOLVE ALLOWING PAYMENT OF THE RANSOM OF NATH<sup>l</sup>. CHAMBERLAIN.

Legislative  
Records of the  
Council, xiii.,  
279.

House Jour-  
nal, p. 57.

A PETITION of Nathaniel Chamberlain of Hatfield, Shewing that in the Month of September 1725, he had the Command of a Scout of five Men sent out from Fort Dummer by Cpt. Dwight, & in Travelling the Woods they were surprized by a Company of Indians much superiour to them and overcome by them, two being Killed, one escaped & the others carried to Canada, where the Petitioner remained till August last, when M<sup>r</sup> Philip Livingstone & others belonging to Albany, being then at Mount Royal, at his earnest Desire, bought him out of the Hands of the Indians & paid the Sum of Thirty six Pounds York Money for his Ransom & brought him to Albany where he is retained as a Security for Repaym<sup>t</sup> of the said Money; w<sup>ch</sup> he is unable to pay being very poor & having several small Children to maintain; And seeing he was captivated in this Service of the Governm<sup>t</sup> Therefore Praying that the said Ransom Money may be paid out of the publick Treasury, that he may have some Allowance for his present Support & a Grant of a small Tract of Land on the East Side of Connecticut River near the Block House above Northfield.

Read & In Answer to this Petition,

*Resolved* that the Province Treasurer be & hereby is directed and ordered after the easiest & best Method he can to discharge the Ransom of the Petitioner being Thirty six Pounds in York Money to the Persons who have advanced the same. [*Passed December 26.*

## CHAPTER 276.

### RESOLVE ALLOWING £21. 15 TO THE NANTUCKET COMM<sup>TEE</sup>.

Legislative  
Records of the  
Council, xiii.,  
279.

Legislative  
Records of the  
Council, xiii.,  
201. House  
Journal, p. 58.  
Province  
Laws, x., 666,  
chap. 251.  
*Ante*, p. 56,  
chap. 144.

*Resolved* that the Sum of Twenty one Pounds fifteen shillings be allowed & paid out of the publick Treasury to Shubal Gorham Esq<sup>r</sup> to be by him repaid to whom the same is due respectively to discharge the Accompt of the Time & Expence of a Committee of this Court appointed on the Petition of Joseph Meader in behalf of divers Indians of Nantucket to repair to the Island of Nantucket, Who reported on the Business they were sent And an Order for the Committees being paid the said Sum pass'd the 28<sup>th</sup> of June last, That one Half thereof sh<sup>d</sup> be paid by the English Inhabitants of Nantucket, & the other Half by the Indian Inhabitants; But neither Party have yet paid any thing of the Charge. [*Passed December 26.*

## CHAPTER 277.

ORDER REFERRING TO THE MAY SESSION THE PETITION OF JOHN KILBORN JOSEPH WRIGHT &c FOR GRANT OF A TRACT OF LAND.

A PETITION of John Kilburn, Joseph Wright & sundry other Persons Inhabiting within the County of Hampshire Praying that this Court would grant or sell to them a Tract of Land belonging to this Province lying Westerly on Ware River or the Equivalent Land, Southerly upon Cheeaby River, Easterly upon Brimfield; the Grantees not to exceed seventeen Families, Proposing to go immediately upon the Place & to continue as a Village till it may be thought proper to annex them to Brimfield or some other Town.

Read &

*Ordered* that the Petition be refer'd to the next May Session for further Consideration, & that in the mean time Major Chandler, M<sup>r</sup> Wright & M<sup>r</sup> Gun be a Committee to repair to the Lands petition'd for, view the Situation, Quality & Circumstances thereof, & that they report their Opinion of y<sup>e</sup> Value of the same at the s<sup>d</sup> next May Session. [*Passed December 26.*]

Legislative  
Records of the  
Council, xiii.,  
281.

House Jour-  
nal, p. 60.

## CHAPTER 278.

RESOLVE ALLOWING £30 TO SAM<sup>LL</sup> JORDAN.

A PETITION of Cpt. Samuel Jordan, Shewing that he has many times of late officiated as Interpreter to the Eastern Indians, & particularly at S<sup>t</sup> Georges River, when Commissioners from this Govern<sup>t</sup> were there, upon a Conference with them, at the Treaty of Peace in Boston last Winter, & at the Ratification of the said Treaty at Falmouth the last Summer, & divers other Times; For which he has had no Consideration but his Subsistence; And for as much as the Court has been pleased to reduce his Pay to Lieutenants, in his Muster Roll lately given in, Therefore Praying that he may have such Allowance for his Services above mentioned as to the Justice & Goodness of this Court may seem meet.

Read &

*Resolved* that the Sum of Thirty Pounds be allowed & paid out of the publick Treasury to Capt. Samuel Jordan in full Discharge of the Services within mentioned. [*Passed December 26.*]

Legislative  
Records of the  
Council, xiii.,  
281.

House Jour-  
nal, p. 55.  
*Ante*, p. 46,  
chap. 114; p. 95,  
chap. 253.

## CHAPTER 279.

ORDER IMPOWERING SAM<sup>LL</sup> ABRAHAM TO CONVEY LANDS.

A PETITION of Samuel Abraham an Indian Propriet<sup>r</sup> of Natick Praying that he may have Liberty to sell unto Samuel Ames of Natick twenty two Acres of Land of which the Petitioner has no immediate Improvement, that so the Petitioner may have a good convenient House erected built & finish'd for him to dwell in, & that the Rev<sup>d</sup> M<sup>r</sup> Peabody Minister of the said Place may have a good English Neighbour near him.

Read &

Legislative  
Records of the  
Council, xiii.,  
281.

House Jour-  
nal, p. 65.

*Ordered* that the Prayer of the Petition be granted, And that the Petitioner be & hereby is impowered to make a Conveyance of the Lands mentioned in the Petition to Samuel Ames, & that Francis Fulham Esq<sup>r</sup> be desired to take effectual Care that the Lands be sold to the full Value thereof; And that after a reasonable Satisfaction is made for the House proposed to be built for the said Samuel Abraham, the Overplus to be put into the Hands of the said Francis Fulham, to be employed for the Petitioners best Advantage, And Accompt of his Doings herein to be laid before this Court. [*Passed December 26.*]

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## CHAPTER 280.

### RESOLVE ALLOWING PAYMENT ON THE MUSTER ROLL OF CPT TIMOTHY DWIGHT.

Legislative  
Records of the  
Council, xiii.,  
282.

House Jour-  
nal, p. 50.

A MUSTER ROLL of the Garrison in His Majestys Service at the Block House above Northfield under the Command of Cpt. Timothy Dwight Containing an Accompt of Wages due to them for their Service from the first of June 1726, to the 30<sup>th</sup> of November 1726, Amounting to the Sum of £228. 14. 9 together with their Subsistence for the same Time, Amounting to the further Sum of £123. 18. 11 Making in the Whole the Sum of £352. 13. 8.

[Read & Accepted and]

*Resolved* that the Sum of Three Hundred & twenty seven Pounds ten shillings & three pence, (being the Amount of the Pay & Subsistence of the said Roll) be allowed & paid out of the publick Treasury (Saying what has been already advanced & supplied by the Treasurer) to the said Cpt. Timothy Dwight to be by him paid to the Persons to whom the same is respectively due in full Discharge thereof. [*Passed December 27.*]

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## CHAPTER 281.

### RESOLVE ALLOWING PAYMENT OF THE MUSTER ROLL OF CPT. EPHRAIM MORTON.

Legislative  
Records of the  
Council, xiii.,  
284.

House Jour-  
nal, p. 56.

A MUSTER ROLL of the Company of Voluntiers raised for the Service against the Eastern Indians, under the Command of Cpt. Ephraim Morton in the Year 1722, Containing an Accompt of their Wages from the first to the 28<sup>th</sup> of Octobr 1722, Amounting to the Sum of £80. 17. 4.

[Read & Accepted and]

*Resolved* that the Sum of Eighty Pounds seventeen shillings & four pence be allowed & paid out of the publick Treasury to Cpt. Ephraim Morton to be by him paid to the Officers & Soldiers born thereon to whom the same is respectively due in full Discharge of the Wages thereof. [*Passed December 27.*]

## CHAPTER 282.

ORDER ON THE MEM<sup>o</sup> OF STEP. MINOT & JOS. HEATH ESQ<sup>RS</sup> & CPT. THO. SAUNDERS.

A MEMORIAL of Stephen Minot Esq<sup>r</sup> As also a Memorial of Joseph Heath Esq<sup>r</sup> & Cpt. Thomas Saunders, Shewing that they were severally bound over by Recognizance at Falmouth in Casco Bay in the Month of August last, to make their Appearance at the then next Court of General Sessions to be holden at York for the County of York in October, to give Evidence of what they knew relating to Richard Jaques's Giving or unlawfully disposing of Rum or strong Drink to the Indians assembled at the Ratification of the Treaty of Peace, But so it has happened that they have each of them been under such Circumstances as have render'd it altogether impracticable for them to have given their Attendance at the said Court, That their Recognizances have been declared forfeited by the Court & Writs of Scire facias have been issued out thereupon & served on them, requiring them to shew Cause at the Inferior Court for the said County on the first Tuesday in January next, why Execution should not be awarded against them for the said Forfeiture Praying that this Court would give them Relief in the Premises as to their Wisdom & Justice shall seem fit.

[Read and]

*Ordered* that the Court of General Sessions of the Peace for the County of York stop all Proceedings till the further Order of this Court against Stephen Minot Esq<sup>r</sup> Joseph Heath Esq<sup>r</sup> & Cpt. Thomas Saunders, who were bound by Recognizance to attend as Witnesses at the Trial of Richard Jaques, they being unavoidably obstructed from giving their Attendance as the[y] have set forth in their Memorials. [*Passed December 27.*]

Legislative  
Records of the  
Council, xiii.,  
277, 286.

House Jour-  
nal, pp. 61, 62.

## CHAPTER 283.

ORDER ON AMOS TURNERS PETITION FOR CANCELLING, ON CERTAIN TERMS, A MORTGAGE MADE TO THE TRUSTEES OF THE £50,000 LOAN.

A PETITION of Cpt. Amos Turner of Scituate, Shewing that He borrowed of the Trustees of the first £50,000 Loan the Sum of Two Hundred & fifty Pounds, That the General Court at their Session in March 1720, in Answer to his Petition, Setting forth the great Loss he sustained by the burning of his Barn together with the Cattle, Hay & Grain therein, were pleased to order that three Years Interest of Two Hundred Pounds of the principal Sum borrowed should be abated him; For which he returns his sincere Thanks And therefore Praying that he may still have the Benefit & Advantage of the said three Years Interest, & that the Trustees of the said £50,000 Loan may be directed upon his paying the full Principal borrowed with the whole Interest thereon (Except only the Interest of Two Hundred Pounds for three Years as aforesaid) to cancel & make void his Mortgage given for the Security of the said Sum of £250 The three Years in & by the aforesaid Resolve stated Notwithstanding.

Read and

*Ordered* That the prayer of the petition be granted and that the Trustees for letting out the Fifty Thousand pounds Loan be and hereby are impowred and directed upon the petitioners paying the

Legislative  
Records of the  
Council, xiii.,  
287. Mass.  
Archives, ci.,  
440.

Legislative  
Records of the  
Council, xi.,  
118. Mass.  
Archives, ci.,  
439. House  
Journal, p. 56.  
Province  
Laws, i., 750,  
chap. 10.

principal Money borrowed Viz<sup>t</sup> £250 and the Interest thereon, Excepting three years Interest of £200 to Cancell and discharge the petitioners mortgage. [*Passed December 27.*]

## CHAPTER 284.

ORDER ON THE MEM<sup>o</sup> OF THE INHAB<sup>ts</sup> OF HAVERHILL & AMESBURY.

Legislative  
Records of the  
Council, xiii.,  
286.

Legislative  
Records of the  
Council, xiii.,  
223, 248. House  
Journal, p. 67.

WHEREAS sundry of the Inhabitants of Haverhill & Amesbury by their Memorial & Petition to this Court have set forth that they have of late been very much disturbed & molested in the Improvem<sup>t</sup> of their Lands by some of the People of the Town of Kingston in the Province of New Hampshire on Pretence that these Lands belong to the said Town of Kingston for that they ly more than three Miles from the River Merrimack; Which Lands the Petitioners & their Predecessors have been in the quiet & peaceable Possession of upwards of sixty Years; Notwithstanding which Writs have been brought against them for Trespass triable in the Province of New Hampshire, whereby they have been subjected to excessive Charges; Which Actions of the People inhabiting the Town of Kingston, this Court apprehend can in no wise be justified but greatly tend to the breaking in upon the Friendship & good Understanding that ought to be kept up & maintained between this Governm<sup>t</sup> & the Governm<sup>t</sup> of New Hampshire; More especially for such Actions to be brought & prosecuted, when that Government have applied to His Majesty in Council to have the Boundaries between the Governm<sup>ts</sup> settled, That His Majestys Subjects living on or near the Lands controverted may be quieted in their Minds, the whole Matter being thereby laid before His Majesty, as the General Court of that Province have declared on the fourth Instant, & assigned as a reason for not joining Commiss<sup>rs</sup> to accomodate the Matter here.

*Ordered* that this Matter be remonstrated to the General Court of New Hampshire in Expectation, that they will take effectual Order at their next Sitting to put a stop to such vexatious Suits;

And that His Honour the Lieuten<sup>t</sup> Governor be desired to write to the Lienten<sup>t</sup> Govern<sup>t</sup> of that Province, that he use his Influence that the Matters complained of be redress'd, & that there be no further Proceedings of this Nature in the mean Time, & that any Actions already commenced be suspended; Assuring him that this Governm<sup>t</sup> will do the same on their Part. [*Passed December 28.*<sup>1</sup>]

## CHAPTER 285.

ORDER ON REPORT ABOUT THE LINE BETWEEN THIS PROVINCE & NEW YORK.

Legislative  
Records of the  
Council, xiii.,  
288.

Legislative  
Records of the  
Council, xiii.,  
216, 218, 287.  
House Jour-  
nal, pp. 41, 44,  
65, 66, 70.

THE COMMITTEE of the Board appointed to confer with a Committee of the House on the Subject Matter of the several Votes respecting the Line between this Governm<sup>t</sup> & the Governm<sup>t</sup> of New York informed the Board that they had attended the said Conference & that they had proposed an Expedient in the Matter, in which they supposed the two Houses would agree; And soon after the Committees Report was sent up with the Vote of the House thereon; To which the Board agreed;

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is December 27.



And the said Report & Vote of both Houses thereon are as follows; Viz,

The Committee are of Opinion that Commissioners be appointed on the Part of this Govern<sup>t</sup> & impowered to confer with such Commissioners as shall be appointed by the Govern<sup>t</sup> of New York concerning the Claims of Land which may be made by either Govern<sup>t</sup> in Order to have the Line or Boundary settled between the Provinces, And that the Meeting of the Commissioners may not prove ineffectual, that they come furnished to the Conference & fully prepared & produce their respective Grants, Patents or any other Papers which may be thought proper then to be produced, And that the said Commissioners be directed to report their Doings to the Governments respectively in Order for the Settling of the Boundaries of the Provinces as aforesaid.

By Order of the Committee

Dec. 12. 1726.

NATH<sup>LL</sup> BYFIELD

Read &

*Ordered* that this Report be Accepted, & that all Persons belonging to this Province be prohibited from making any further Settlements near the Dividing Line between the two Provinces till the further Order of this Court, And that all Actions already commenced against the People residing at Housatamuck cease, & they be put to no further Trouble in the Law till this Affair be settled; Provided the Govern<sup>t</sup> of New York give the like Orders to the Inhabitants of that Province; And that His Honour the Lieuten<sup>t</sup> Govern<sup>r</sup> be desired to agree with His Excellency Governor Burnet as to the Place of the Commission<sup>rs</sup> Meeting; the Number of the Commissioners to be three. [*Passed December 28.*]

## CHAPTER 286.

### RESOLVE ALLOWING £81 TO JOHN FARROW.

A PETITION of John Farrow, Shewing that, being one of the Scout sent out by Cpt. Timothy Dwight in September 1725, which was surprized by a Superiour Number of the Indian Enemy, he was with others carried Captive into Canada, where he was used with great Cruelty, & often in Danger of his Life & detained a Prisoner till the 25<sup>th</sup> of August last, when he was redeemed by one William Rogers of Albany who paid the Sum of Forty Pounds in York Money for his Ransom, which was the lowest Rate at which his Freedom could be purchased, And foras much as he was taken in the Service of the Province, Therefore Praying that he may be allowed the Money paid for his Ransom as aforesaid, & such further Consideration for his Loss of Time & the Hardships he has sustained in his said Captivity as to the Wisdom & Goodness of this Court shall seem meet.

Read [& Accepted] &

*Resolved* that the Sum of Eighty one Pounds be allowed & paid out of the publick Treasury to Major John Chandler, & that he take effectual Care that the Redemption Money paid for the Petitioner be repaid, & that the several Bonds relating thereto be discharged. [*Passed December 28.*]

Legislative  
Records of the  
Council, xiii.,  
290.

House Jour-  
nal, p. 64.  
*Ante*, p. 104,  
chap. 275.

## CHAPTER 287.

RESOLVE ALLOWING  $\frac{13}{4}$  TO COLL. RICH<sup>d</sup> KENT.Legislative  
Records of the  
Council, xiii.,  
200.House Jour-  
nal, p. 67.

AN ACCOMPT presented by Richard Kent Esq<sup>r</sup> of Expresses sent in His Majestys Service, & Horse Hire for several Persons sent Express in the Years 1723, & 1725, Amounting to the Sum of £3. 2. 8.

[Read<sup>1</sup> and]

*Resolved* that the Sum of Forty three shillings & four pence be allowed & paid out of the publick Treasury to the Accountant Richard Kent Esq<sup>r</sup> to be by [him]<sup>2</sup> repaid to whom it is respectively due in full Discharge of the within Accompt. [*Passed December 28.*]

## CHAPTER 288.

ORDER ON CPT. TIM<sup>o</sup> DWIGHTS MEM<sup>o</sup>, IMPOWERING THE TREASURER TO TAKE HIS BOND FOR RETURN OF GOODS.Legislative  
Records of the  
Council, xiii.,  
291. Mass.  
Archives,  
ix.ii., 267.House Jour-  
nal, p. 68.

A MEMORIAL of Cpt. Timothy Dwight, Shewing that in the Year 1725, he received of the Treasurer of the Province Goods to the Value of about One Hundred & sixty Pounds, to be disposed of to such of the Soldiers in the Service of His Majesty at Fort Dummer as should have Occasion for them, That he has delivered about One Half of the said Goods to the Soldiers, which has been deducted out of their Wages in the Muster Roll, Praying that the Treasurer may be directed to take his Bond for returning what Goods are still in his Hands or the Money for them in seasonable Time, If he have Opportunity to sell them.

Read &amp;

*Ordered* that the Prayer of this Petition be Granted, And that the Treas<sup>r</sup> be Directed & Impowered to take the Petition<sup>r</sup> Bonds for the Goods in his Hands accordingly. [*Passed December 28.*<sup>3</sup>]

## CHAPTER 289.

VOTE REFERRING TO 500 ACRES OF LAND FORMERLY GRANTED TO M<sup>r</sup> JOHN COLLINS.Legislative  
Records of the  
Council, xiii.,  
291.Legislative  
Records of the  
Council, viii.,  
127, 326. House  
Journal, p. 40.  
Province  
Laws, viii., 124,  
chap. 23; 243,  
chap. 48; ix.,  
328, chap. 136.

WHEREAS the Great & General Court of the late Colony of the Massachusetts Bay Anno 1683, granted to the Rev<sup>d</sup> M<sup>r</sup> John Collins of London Five Hundred Acres of Land, which was laid out at a Place called Quncusset, & afterwards; viz. June 13. 1705, on the Petition of M<sup>r</sup> Francis Collins the Son of the said Rev<sup>d</sup> M<sup>r</sup> John Collins (the former Survey being not to be found.)

*Ordered* a new Survey of Five Hundred Acres in Lieu of the first Grant, which was accordingly made & a Plat presented & confirmed Anno 1707; Upon settling the Colony Line between the Massachusetts & Connecticut, The first Survey or Grant falling on the South of the said Line, & for which an Equivalent hath been allowed the said Col-

<sup>1</sup> Committee's report *not* accepted.<sup>2</sup> Inserted from the State Library copy, Legislative Records of the Council, xiii., 282.<sup>3</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 29.

ony of Connecticut, & the said Five Hundred belonging of right to this Province,

*Voted* that Major Chandler & Major Leonard be a Committee, And they are hereby fully authorized & impowered to apply to the Governor<sup>t</sup> of Connecticut for any further or other Confirmation of the said Lands, & enquire into the Nature & Value of the same & make Report of their Doings herein to this Court at their next May Session. [*Passed December 29.*]

## CHAPTER 290.

### VOTE FOR REPAIRING FORT GEORGE AT BRUNSWICK.

A MEMORIAL of Cpt. William Woodside Commander of His Majestys Fort at Brunswick, Setting forth that the said Fort is very much out of Repair & more especially that the Platforms are so rotten & decayed that there is no firing the great Guns with any Safety, Praying that this Court would take speedy Orders for putting the said Fort into good Repair before it be more decayed:

Read &

*Voted* that His Honour the Lieuten<sup>t</sup> Govern<sup>r</sup> be desired to give his Order to Cpt. Joseph Heath on his Return to Richmond to visit the Fort at Brunswick, that he carefully view the said Fort, & consider what Repairs are necessary to be made, And that the said Cpt. Heath be impowered & directed to provide what Timber, Plank & other Stuff (as well as any other Things that may be thought necessary) for effecting the said Repairs, And that he take Care that the same may be done with as much Prudence & Frugality as may be, And that he lay the Accompts before this Court at the next May Session. [*Passed December 29.*]

Legislative  
Records of the  
Council, xiii.,  
291.

House Jour-  
nal, p. 68.

## CHAPTER 291.

### RESOLVE ALLOWING ACC<sup>T</sup> OF REPAIRS AT Y<sup>E</sup> LIGHT HOUSE AND £25 TO JOSEPH WADSWORTH.

AN ACCOMPT presented by Joseph Wadsworth Esq<sup>r</sup> of Moneys disbursed for Work & Materials in the Repairs of the Light House & the Wharf there &c, Pursuant to the Order of the General Assembly for effecting the said Repairs, Amounting to the Sum of £490. 1. 8 All which the Committee had received of the Province Treasurer.

Read &

*Resolved* that this Accompt be allowed, & that the Committee the Accomptants be discharged of the said Sum of Four Hundred & ninety Pounds one shilling & eight pence accordingly, And that the Sum of Twenty five Pounds be allowed & paid out of the publick Treasury to the said Joseph Wadsworth Esq<sup>r</sup> for his extraordinary Service, Time & Trouble in & about effecting the said Repairs. [*Passed December 29.*]

Legislative  
Records of the  
Council, xiii.,  
292.

House Jour-  
nal, p. 68.  
*Ante*, p. 38,  
chap. 34;  
p. 54, chap.  
138.

## CHAPTER 292.

RESOLVE ALLOWING £8. 13. 5 TO CPT. THO. WELLS.

Legislative  
Records of the  
Council, xiii.,  
293.

House Jour-  
nal, p. 66.

AN ACCOUNT presented by Cpt. Thomas Wells of sundry Expresses sent in the Service of the Govern<sup>t</sup> in the County of Hampshire, Victuals supplied several Soldiers, Money paid Dr Thomas Hastings for sundrys, Amounting in the Whole to the Sum of £8. 13. 5.

[Read & Accepted and]

*Resolved* that the Sum of Eight Pounds thirteen shillings & five pence be allowed & paid out of the publick Treasury to Cpt. Thomas Wells, to be by him paid to whom it is due in full Discharge thereof. [*Passed December 29.*]

## CHAPTER 293.

VOTE ON THE PETITION OF DUNSTABLE PROPRIET<sup>RS</sup> IN REGARD TO A WARRANT FOR CALLING A TOWN MEETING.

Legislative  
Records of the  
Council, xiii.,  
275, 293.

House Jour-  
nal, pp. 59, 70.

A PETITION of the Agents for the Proprietors of the Town of Dunstable to sue & defend in all Actions wherein the said Proprietors may be concerned, Complaining of the Managem<sup>t</sup> of Eleazar Tyng Esq<sup>r</sup> who was chosen Moderator of the Proprietors Meeting held at Dunstable on the twenty ninth of November last for chusing Persons to defend an Action brought at the Inferior Court of Common Pleas for the County of Middlesex by the said Tyng against the said Propriet<sup>RS</sup> That the said Tyng, amongst other Things therein complained of, carried away the Justices Warrant for calling the said Meeting, & refused to return it to the Proprietors Clerk, with whom it ought to be lodged, & afterwards refused to deliver it, when he was thereto requested, in Order to the said Agents making Proof of their Power to defend at the said Court; Praying that the said Eleazar Tyng may be sent for by Order of this Court to answer the said Complaint & may be obliged to produce & deliver up the said Warrant in Order to their Defending the said Action for the Propriet<sup>RS</sup>

*Ordered* that no Advantage be taken against the Proprietors of Dunstable because the said Warrant was not produced in Court And that the Cause be heard & determined at the next Inferior Court of Common Pleas to be held at Charlestown for the County of Middlesex in March next; And the Justices of the said Court are impowered & directed to proceed therein accordingly; Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed December 30.*]<sup>1</sup>

## CHAPTER 294.

ORDER ON THE REPORT OF THE JUSTICES OF PLYM<sup>O</sup> ON Y<sup>E</sup> PETITION OF JOS. & BETH. PETER.

Legislative  
Records of the  
Council, xiii.,  
283.

House Jour-  
nal, p. 73.

AT THE GENERAL SESSIONS of the Peace holden at Plymouth within & for the County of Plymouth on the third Tuesday of September 1726.

PURSUANT to the Order of the Great & General Court upon the Petition of Joseph Peter & Bethia his Wife Indians concerning their selling

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is December 29.

twenty Acres of Land lying in Kettecut in the Township of Bridgewater, the said Joseph & Bethia being present, And the Justices of the said Court having made Inquiry into that Affair & the Circumstances of the said Indians & their Debts & examined their Accompts relating to the same, do find according to the Accompts laid before them, that there is due & owing from them to sundry Persons the Sum of £28. 10. 5 Viz,

To Elisabeth Hall of Taunton by a penal Bill of six Pounds Silver Money payable June 13. 1708, Condition'd for the Payment of Three Pounds like Silver Money with y <sup>e</sup> Interest ever since . . . . .	} £6. - -
To the Estate of Jacob Thomson Esq <sup>r</sup> Dec <sup>d</sup> . . . . .	
To John King of Taunton . . . . .	1. 5. -
To Joseph Thomas of Plymouth . . . . .	1. 18. 11
To Samuel Keith of Bridgewater . . . . .	13. 9. -
	5. 17. 6
	£28. 10. 5.

Which we are of Opinion they cannot pay, without selling some of their Land; And finding they have other Land, as is set forth in their Petition, besides the said twenty Acres, which may be sufficient for their support, are of Opinion that it is necessary that the said Indians should have Liberty to sell the said Twenty Acres of Land for the Payment of their Debts.

Attest. JOHN WINSLOW Clerk per Order of the said Justices.

Read &

*Ordered* that this Report be Accepted, & that Cpt. Benjamin Warren be desired & impowered to take Care that Justice be done to the Petitioners in the Sale of the Land mentioned in this Report, & to see that the Petitioners Debts be paid & the Remainder of the Purchase Money improved for the Petitioners best Advantage, & that he render an Account of his Doings herein to this Court. [*Passed December 30.*<sup>1</sup>

## CHAPTER 295.

### VOTE FOR LODGING THE PUNCAPAUG INDIANS MONEY WITH JN<sup>O</sup> QUINCY ESQ<sup>R</sup>.

NATH<sup>LL</sup> BYFIELD ESQ<sup>R</sup> as Chairman & in the Name of the Committee appointed by this Court in Decem<sup>r</sup> 1724, for the Affairs of Puncapaug Lands, this Day (Pursuant to the Powers given to the said Committee) deliver'd in a File of Bonds & a Sum of Money in Province Bills, Amounting in the Whole to the Sum of Five Hundred fifty two Pounds thirteen shillings & six pence; Being the Neet Proceeds of the Deeds of Quit Claim &c given by the Indian Proprietors of Puncapaug to the English Lessees or Tenants; And it now remaining for this Court to Order how the said Money may be applied for the Use of the said Indians;

*Ordered* that John Quincy Esq<sup>r</sup> be & hereby is appointed a Trustee for the said Indians of Puncapaug; And that the said Money and Bonds be put into his Hands to be [by]<sup>2</sup> him improved for their best Advantage; the Interest thereof to be applied for their more comfortable Support from Time to Time, The Accompts of his Managem<sup>t</sup> to be laid before this Court once in three Years, And that he have such an Allowance for his Trouble in the said Affair as this Court shall judge meet. [*Passed December 30.*

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is December 27.

<sup>2</sup> Inserted from the State Library copy, Legislative Records of the Council, xiii., 287.

Province  
Laws, x., 765,  
chap. 362.

Legislative  
Records of the  
Council, xiii.,  
294.

House Jour-  
nal, p. 72.  
Province  
Laws, x., 518,  
chap. 244.

## CHAPTER 296.

RESOLVE FOR SENDING THE AGENT A MAP OF MERRIMACK RIVER, AND MAKING AN ALLOW<sup>CE</sup> TO COLL. DUDLEY FOR A FORMER MAP.

Legislative  
Records of the  
Council, xiii.,  
295. Mass.  
Archives,  
lviii., 289.

Legislative  
Records of the  
Council, xiii.,  
194. House  
Journal, p. 70.

*Resolved* That William Dudley Esq<sup>r</sup> be desired to prepare an Exact Draft of Merrimack River, and to draw a Curve Line, as well as any other Lines thereon that may be necessary to be transmitted to M<sup>r</sup> Agent Dummer for his Information & Instruction in Settling the Line or Boundary between the late Colony of the Massachusetts Bay and the province of New Hampshire, and that the Sum of Five pounds be allowed and paid out of the publick Treasury to the said William Dudley Esq<sup>r</sup> to satisfy him for the said Draft of the said River Merrimack which he formerly prepared for the use of this province. [*Passed December 30.*]

## CHAPTER 297.

RESOLVE ALLOWING PAYMENT ON THE MUSTER ROLL OF THE GARRISON AT FORT GEORGE & MAQUOIT.

Legislative  
Records of the  
Council, xiii.,  
295.

House Jour-  
nal, p. 69.

A MUSTER ROLL of the Garrison in His Majestys Service at Fort George at Brunswick under the Command of Cpt. William Woodside, together with the Garrison at Maquoit under the Command of Ensign James Woodside, Containing an Acc<sup>t</sup> of Wages due to them for their Service from the 9<sup>th</sup> of June to the 21<sup>st</sup> of Decem<sup>r</sup> 1726, Amounting to the Sum of £258. 11. 5.

[Read and Accepted and]

*Resolved* that the Sum of Two Hundred & seventeen Pounds ten shillings & ten pence be allowed & paid out of the publick Treasury to the Officers & Soldiers born on the said Roll, to whom the same is respectively due in full Discharge thereof, Agreeable to the Report of the Committee thereon. [*Passed December 30.*]

## CHAPTER 298.

RESOLVE ALLOWING 30/ TO JA. WOODSIDE.

Legislative  
Records of the  
Council, xiii.,  
295.

House Jour-  
nal, p. 69.

AN ACCOMPT presented by Ensign James Woodside for mending Whale boats & stuff for the same, as also for Whale boat Oars provided by him, Amounting to the Sum of £1. 10.

[Read and Accepted and]

*Resolved* that the Sum of Thirty shillings be allowed & paid out of the publick Treasury to the said James Woodside in full Discharge thereof. [*Passed December 30.*]

## CHAPTER 299.

RESOLVE ALLOWING £3 TO JAMES POWELL AND £3 TO JOHN LEGROW.

Legislative  
Records of the  
Council, xiii.,  
295.

A MEMORIAL of Cpt. Peter Oliver, Shewing that in making up his last Muster Roll ending the 9<sup>th</sup> of January, he omitted James Powell & John Le Grow, two Centinels in his Company, from the 29<sup>th</sup> of

Novem<sup>r</sup> to the said 9<sup>th</sup> of January 1725, who were subsisted by him the said Time, Praying that the said Soldiers may be allowed their Wages & the Memorialist their Subsistence, And whereas William Fitz Symmonds was left out from Coll. Edmund Goffes Muster Roll from Decem<sup>r</sup> 18<sup>th</sup> to Febry. 27. 1721, During which Time the Memorialist supplied him with Provisions; And therefore Praying that the said William Fitz Symmonds's Subsistence may be allow'd him for that time accordingly.

Read [& Accepted] &

*Resolved* that the Sum of Six Pounds be allowed & paid out of the publick Treasury to James Powell & John Le Grow in equal Proportion for their Service within mentioned in full; & that that Part of the Petition that relates to William Fitz Symmonds be Dismiss'd. [*Passed December 30.*]

House Jour-  
nal, p. 71.  
*Ante*, p. 38,  
chap. 92.

## CHAPTER 300.

RESOLVE ALLOWING £23. 5. 6 TO EDW<sup>d</sup> BARKER, THO. BEDURTHA, JOHN PEASE & JOHN FARROW.

A CERTIFICATE presented by M<sup>r</sup> Treas<sup>r</sup> Allen, That in Decem<sup>r</sup> 1725, Cpt. Timothy Dwight made up his Muster Roll for him self & Company at Fort Dummer, And that the four Soldiers underwritten were included in the said Roll, & the Sums carried out to each of them as follows; Viz,

Edward Barker, £6. 8. 6 Thomas Bedurtha, £5. 17. 1 John Farrar, £3. 12. 10 & John Pease £7. 7. 1 In all £23. 5. 6 Two of which were slain by the Indians, & the others carried Captives to Canada; For which Reason their Wages were deducted out of the Roll, & the Warrant so far short of the Whole Amount; Since which one of the Captives is returned from Canada, & the Administ<sup>rs</sup> of the two that were slain appear for their Wages, Therefore the said Treas<sup>r</sup> desires the Direction of the Court thereon.

Read &

*Resolved* that the Sum of Twenty three Pounds five shillings & six pence be allowed & paid out of the publick Treasury to the legal Represent<sup>ves</sup> of the within named Edward Barker, Thomas Bedurtha, John Farrow & John Pease or their Orders respectively in full Satisfaction of the Wages due to them respectively, Agreeable to the within Certificate of M<sup>r</sup> Treasurer Allen. [*Passed December 30.*]

Legislative  
Records of the  
Council, xiii.,  
295.

House Jour-  
nal, p. 60.  
Province  
Laws, x., 685,  
chap. 301.

## CHAPTER 301.

RESOLVE ALLOWING 30/ TO CAPT. JOS. BROWN.

A COPY of an Order of the General Court in May Session 1712, Appointing a Committee on the Petition of the Inhabitants of the Town of Swanzy to repair to the said Town, being presented by Capt. Joseph Brown one of the said Committee

Read &

*Resolved* that the Sum of Thirty shillings be allowed & paid out of the publick Treasury to Cpt. Joseph Brown in full for his Service on the said Committee within mentioned. [*Passed December 30.*]

Legislative  
Records of the  
Council, xiii.,  
296.

House Jour-  
nal, p. 71.  
Province  
Laws, ix., 249,  
chap. 50.

## CHAPTER 302.

## ORDER ON THE PETITION OF FRAN. CARY &amp; JOHN TURNER.

Legislative  
Records of the  
Council, xiii.,  
296. Mass.  
Archives,  
xli., 2.

Mass.  
Archives,  
xli., 1.  
House Jour-  
nal, pp. 71, 72;  
pp. 15, 16  
(June, 1727).  
*Ante*, p. 83,  
chap. 220.

A PETITION of Francis Cary & John Turner, Shewing that upon their former Petition, the Council were pleased to order that a Committee should lay out a Tract of Land to the Petition<sup>rs</sup> granted by the Government of New Plymouth near Taunton; Which Order the House were pleased to Non Concur, (as the Petitioners suppose) because the Petitioners could not produce the second or additional Grant to the said Town of Taunton, The Petitioners have now obtained a Copy of the said Grant which is herewith exhibited; And therefore Praying the Order of this Court that the said Grant of Land belonging to the Petition<sup>rs</sup> (as refer'd to in their former Petition) may be survey'd & laid out for their Benefit.

In the House of Representatives Read and in Answer to this petition

*Ordered* That the first petition of the said Francis Carey and John Turner be granted, and That Samuel Thaxter Esq<sup>r</sup> M<sup>r</sup> Edward White and Maj<sup>r</sup> Tilestone be desired and directed with two Chain Men upon Oath to survey and lay out to the petitioners the Grant of Land mentioned in the petition at the place where it was first laid out as near as they can find, and upon Lands not under Improvement. the said work to be performed at the Charge of the petitioners, and the former Order of the Court on the aforesaid petition is declared null and void

In Council;

Read & Concur'd; The Committee to make Report of their Doings to this Court at the next May Session.

In the House of Representatives

Read and Concurd with the amendment. Provided. The Land do not interfere with Any part of the Lands within the first Grant of the Town of Taunton<sup>1</sup>

In Council, Read & Concur'd. [*Passed December 31.*]<sup>2</sup>

## CHAPTER 303.

VOTE APPOINTING SURVEY<sup>RS</sup> OF CANVAS.

Legislative  
Records of the  
Council, xiii.,  
297. Mass.  
Archives, lix.,  
278.

House Jour-  
nal, p. 72.  
*Ante*, p. 52,  
chap. 133.

WHEREAS this Court the twenty eighth of June last ordered a Bounty to any Person that shall manufacture good Duck or Canvas of the Contents & Quality in the said Vote express'd; but have not yet appointed Surveyors for that Service, to certify the same to the Treasurer in Order to entitle such Persons to the said Bounty; Wherefore,

*Ordered* That mess<sup>rs</sup> Adino Bulfinch and William Palfrey with Such as the Honourable Board shall Appoint be the Surveyors of all Such pieces of Duck or Canvas that shall be presented to them (or any two of them who shall be a Quorum) for their Survey to Certifie the Same according to the Order of Court, and for their Service shall have twelve pence p Bolt for each Bolt of Duck or Canvas So Surveyed marked and Certified to be paid by the Owner or Owners thereof

Read & Concur'd And M<sup>r</sup> Charles Morrice of Boston is joined with the Persons above named to be a Surveyour of Duck or Canvas. [*Passed December 31.*]

<sup>1</sup> The committee reported that they could do nothing, and the whole matter was finally dismissed June 7, 1727. — Legislative Records of the Council, xiii., 326.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 30.



## CHAPTER 304.

ORDER DESIRING THE JUSTICES OF THE SUP<sup>R</sup> COURT TO REPRESENT  
THE MATTER OF THE PROHIBITIONS.

*Ordered* that the Justices of the Superior Court of Judicature be desired to draw up a full Representation of the Matter of the Prohibitions complained of by John Menzies Esq<sup>r</sup> as refer'd to in M<sup>r</sup> Agent Dummer's Letter, To be transmitted to the Agent with all convenient Speed. [*Passed January 2.*]

Legislative  
Records of the  
Council, xiii.,  
238.

Legislative  
Records of the  
Council, xiii.,  
271, 296.  
House Jour-  
nal, p. 79.

## CHAPTER 305.

VOTE FOR PAYING ACCT OF Y<sup>E</sup> COMM<sup>TEES</sup> CHARGE AT DUXBURY.

AN ACCOMPT of Duxburys Part of the Charge of the Committee that went to Duxbury & Marshfield in Novem<sup>r</sup> last, upon the Petition of sundry Inhabitants of the said Towns, Amounting to the Sum of £23. 12. 10.

Legislative  
Records of the  
Council, xiii.,  
238.

*Ante*, p. 85,  
chap. 225.

Read &

*Voted* that Peletiah West be impowered to receive of the several Petitioners of the Town of Duxbury the above Sum of Twenty three Pounds twelve shillings & ten pence & pay the same to Cpt. John Alden to satisfy the above Accompt.<sup>1</sup> [*Passed January 2.*]

## CHAPTER 306.

RESOLVE ALLOWING £400 TO THE LIEUT. GOV<sup>R</sup>.

*Resolved* that the Sum of Four Hundred Pounds be allowed & paid out of the publick Treasury to His Honour William Dummer Esq<sup>r</sup> Lieuten<sup>t</sup> Governor & Commander in Chief of this His Majestys Province for his Support & to enable him to manage the Affairs of the Governm<sup>t</sup>. [*Passed January 2.*]

Legislative  
Records of the  
Council, xiii.,  
239.

House Jour-  
nal, p. 75.

## CHAPTER 307.

RESOLVE ALLOWING £800 TO THE AGENT DUMMER.

*Resolved* that the Sum of Eight Hundred Pounds be allowed & paid out of the publick Treasury to Jeremiah Dummer Esq<sup>r</sup> Agent for this Province at the Court of Great Britain for his past Services & further to enable him to negotiate the Business of the Province; And that he render a particular Accompt of his Expences & Disbursements in the publick Service from Time to Time. [*Passed January 2.*]

Legislative  
Records of the  
Council, xiii.,  
239.

House Jour-  
nal, p. 75.

<sup>1</sup> Not found in the House Journal.

## CHAPTER 308.

RESOLVE ALLOWING £300 TO THE JUDGES.

Legislative  
Records of the  
Council, xlii.,  
299.  
House Jour-  
nal, p. 75.

*Resolved* that the Sum of Three Hundred Pounds be allowed & paid out of the publick Treasury to the Hon<sup>ble</sup> the Justices of His Majestys Superior Court of Judicature, &c, in Proportion to the Courts they have attended the last Half Year. [*Passed January 2.*]

## CHAPTER 309.

RESOLVE ALLOWING £50 TO THE TREASURER.

Legislative  
Records of the  
Council, xlii.,  
299.  
House Jour-  
nal, p. 75.

*Resolved* that the Sum of Fifty Pounds be allowed & paid out of the publick Treasury to Jeremiah Allen Esq<sup>r</sup> Treasurer & Receiver General of this Province for his extraordinary Service therein in the present Year. [*Passed January 2.*]

## CHAPTER 310.

RESOLVE ALLOWING £140 AND A FURTHER SUM OF £60 TO THE SECRETARY.

Legislative  
Records of the  
Council, xlii.,  
299.  
House Jour-  
nal, p. 75.

*Resolved* that the Sum of One Hundred & forty Pounds be allowed & paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary of this Province for his extraordinary Service the Year past; And that the further Sum of Sixty Pounds be allowed & paid out of the publick Treasury to the said Josiah Willard Esq<sup>r</sup> in Consideration of the publick Affairs at this Time calling for sundry things to pass that Office necessarily requiring a more strict Attendance from him to effect those Matters many of which have no stated Fee or Allowance. [*Passed January 2.*]

## CHAPTER 311.

RESOLVE ALLOWING £50 TO Y<sup>E</sup> CLERK OF THE HOUSE.

Legislative  
Records of the  
Council, xlii.,  
299.  
House Jour-  
nal, p. 75.

*Resolved* that the Sum of Fifty Pounds be allowed & paid out of the publick Treasury to John Wainwright Esq<sup>r</sup> Clerk of the House for his Service the Year Currant. [*Passed January 2.*]

## CHAPTER 312.

RESOLVE ALLOWING £10 TO THE CHAPLAIN OF THE BOARD.

Legislative  
Records of the  
Council, xlii.,  
299.  
House Jour-  
nal, p. 76.

*Resolved* that the Sum of Ten Pounds be allowed & paid out of the publick Treasury to Thomas Hutcheson Esq<sup>r</sup> for the Use of the Rev<sup>d</sup> Chaplain of the Hon<sup>ble</sup> Board for his Service the Year past. [*Passed January 2.*]

## CHAPTER 313.

RESOLVE ALLOWING £10 TO Y<sup>E</sup> CHAPLAIN OF Y<sup>E</sup> HOUSE.

*Resolved* that the Sum of Ten Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Ezekiel Lewis to be by him paid to the Rev<sup>d</sup> M<sup>r</sup> John Webb, who has officiated as Chaplain to the House the Year past. [*Passed January 2.*]

Legislative  
Records of the  
Council, xiii.,  
299.  
House Jour-  
nal, p. 76.

## CHAPTER 314.

RESOLVE ALLOWING £20 TO JOHN WAINWRIGHT ESQ<sup>R</sup>.

*Resolved* that the Sum of Twenty Pounds be allowed & paid out of the publick Treasury to John Wainwright Esq<sup>r</sup> Clerk of the House for his Trouble in preparing the Votes for the Press, & Certificates of the Service of the Members of the House. [*Passed January 2.*]

Legislative  
Records of the  
Council, xiii.,  
300.  
House Jour-  
nal, p. 75.

## CHAPTER 315.

RESOLVE ALLOWING £50 TO THE DOOR KEEPER.

*Resolved* that the Sum of Fifty Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Richard Hubbard Door Keeper to this Court for his Service Half a Year, which will determine the nineteenth of January next. [*Passed January 2.*]

Legislative  
Records of the  
Council, xiii.,  
300.  
House Jour-  
nal, p. 75.

## CHAPTER 316.

RESOLVE ALLOWING £33. 7. 4 TO REB. HOLMES.

AN ACCOMPT presented by Rebecca Holmes of the Expences of several Committees of the Court & the House at the latter End of the last May Session & this Session, Amounting to the Sum of £33. 7. 4.

[Read and]

*Resolved* that the Sum of Thirty three Pounds seven shillings & four pence be allowed & paid out of the publick Treasury to the Accomptant Rebecca Holmes in full Discharge thereof. [*Passed January 2.*]

Legislative  
Records of the  
Council, xiii.,  
300.  
House Jour-  
nal, p. 75.

## CHAPTER 317.

RESOLVE ALLOWING £8. 18 TO RICH<sup>D</sup> HUBBARD.

AN ACCOMPT presented by Richard Hubbard Door Keeper, of a Curtain made by David Mason for the House of Represent<sup>ves</sup> & Candles provided for the General Court, Amounting to the Sum of £8. 18.

[Read and]

*Resolved* that the Sum of Eight Pounds eighteen shillings be allowed

Legislative  
Records of the  
Council, xiii.,  
300.  
House Jour-  
nal, p. 75.

& paid out of the publick Treasury to the Accomptant Richard Hubbard, to be by him paid to whom it is respectively due in full Discharge thereof. [*Passed January 2.*]

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## CHAPTER 318.

### RESOLVE ALLOWING £420 TO BENJA ELLIOT.

Legislative  
Records of the  
Council, xiii.,  
300.

House Jour-  
nal, p. 76.  
Province  
Laws, X., 726,  
chap. 426.

A MEMORIAL of Benjamin Elliot Stationer, Shewing that, Pursuant to his Agreem<sup>t</sup> with the Committee of this Court, he has prepared a new Impression of the Laws, & has a considerable Number of Books bound & ready to be delivered, that, considering the Dearness of the Work & Materials, he can not afford the said Books at a lower Rate than Thirty shillings, And therefore Praying that he may be allowed that Price for so many of the Books as he shall deliver to the Order of the Court above what he has agreed to give for the Liberty of printing the said Laws.

Read &

*Resolved* that the Sum of Four Hundred & twenty Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Benjamin Elliot, in Consideration of his furnishing & supplying the Order of this Court with three Hundred & forty Law Books of the late Impression including sixty Books, which the said M<sup>r</sup> Elliot allows this Court for the Copy, the Order for the Disposition of the said Books being hereto annexed. [*Passed January 2.*]

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## CHAPTER 319.

### ORDER ON THE PETITION OF DIVERS OF THE HEIRS OF RICHD MIDDLECOT ESQ<sup>r</sup> DEC<sup>d</sup>.

Legislative  
Records of the  
Council, xiii.,  
301.

House Jour-  
nal, p. 77.

A PETITION of Edward Middlecot of Wornimster in Great Britain Gent. Sarah Boucher Widow, & Elisha Cook & Jane his Wife, the aforesaid Edward, Sarah & Jane being three Children of Richard Middlecot late of Boston Esq<sup>r</sup> Dec<sup>d</sup> Shewing that the Estate of the said Richard Middlecot by his Death & the Death of his Wife is come to the Petition<sup>rs</sup> & the Children of M<sup>rs</sup> Mary Haggat Dec<sup>d</sup> an other of the Daughters of the said Richard Middlecot, That a Piece of Land belonging to the said Estate lying near the Bowling Green in Boston would be of great Profit to them, if it were divided among them, though at present it brings in little, Therefore Praying that this Court would appoint three or four discreet Free holders to lay out upon Oath the said Parcel of Land into four equal Shares (with sufficient Ways) to be allotted to each of them, that so each of the said Children or their legal Represent<sup>ves</sup> may have their respective Parts in the said Land & enjoy the same in Severalty, & also that the other Real Estate of the said Richard Middlecot may be divided to & among the Parties interested.

Read &

*Ordered* that this Petition be refer'd for further Consideration to the Session of this Court in May next, And that in the mean time the Petitioners give Notice to the Represent<sup>ves</sup> of M<sup>rs</sup> Mary Haggat Dec<sup>d</sup> that so they may give in their Answer to this Petition, if they see meet. [*Passed January 2.*]

## CHAPTER 320.

RESOLVE ALLOWING 30/ TO JOS. MARION.

AN ACCOUNT presented by Joseph Marion of Writing by him done for the Publick, Amounting to the Sum of £1. 10.

[Read and]

*Resolved* that the Sum of Thirty shillings be allowed & paid out of the publick Treasury to M<sup>r</sup> Joseph Marion the Accomptant in full Discharge thereof. [*Passed January 2.*]

Legislative  
Records of the  
Council, xiii.,  
302.

House Jour-  
nal, p. 76.

## CHAPTER 321.

RESOLVE ALLOWING £15. 2. 6 TO BENJA ROLFE.

AN ACCOUNT presented by Benjamin Rolfe of Writing by him done for the Publick, Amounting to the Sum of £15. 2. 6.

[Read and]

*Resolved* that the Sum of Fifteen Pounds two shillings & six pence be allowed & paid out of the publick Treasury to the Accomptant Benjamin Rolfe in full Discharge of said Acc<sup>t</sup>. [*Passed January 2.*]

Legislative  
Records of the  
Council, xiii.,  
302.

House Jour-  
nal, p. 75.

## CHAPTER 322.

RESOLVE ALLOWING £18. 7. 8 TO SAM<sup>LL</sup> TYLEY.

AN ACCOUNT presented by Samuel Tyley of Writing by him done for the Publick, Amounting to the Sum of £18. 7. 8.

[Read and Accepted and]

*Resolved* that the Sum of Eighteen Pounds seven shillings & eight pence be allowed & paid out of the publick Treasury to the Accomptant Samuel Tyley in full Discharge thereof. [*Passed January 2.*]

Legislative  
Records of the  
Council, xiii.,  
302.

House Jour-  
nal, p. 74.

## CHAPTER 323.

RESOLVE ALLOWING £24 TO CPT. SAM<sup>LL</sup> HINKES.

A PETITION of Cpt. Samuel Hinkes, Commander of His Majestys Fort Mary at Winter Harbour, Praying an Allowance for his great Charge & Trouble in sinking a Well at said Fort, which is of great Service to the Garrison there, as also to such Vessels as come into the said Harbour;

An Account of his Charge in the said Work is heremto annex'd, Amounting to the Sum of £36. 14 Of which he has rec<sup>d</sup> but £6.

Read [& Accepted] &

*Resolved* that the Sum of Twenty four Pounds be allowed & paid out of the publick Treasury to Cpt. Samuel Hinkes in full Consideration & Satisfaction of his Services in sinking a Well for the Use of His Majestys Fort Mary &c at Winter Harbour, as set forth in his Petition. [*Passed January 2.*]

Legislative  
Records of the  
Council, xiii.,  
302.

House Jour-  
nal, p. 74.

## CHAPTER 324.

## ORDER CONTINUING JOHN ALLEN IN THE SERVICE AT CASTLE WILLIAM.

Legislative  
Records of the  
Council, xiii.,  
302.

Mass.  
Archives,  
lxxii., 265.  
House Jour-  
nal, pp. 52, 72.  
*Ante*, p. 88,  
chap. 233.

A PETITION of John Allen, Shewing that he has for above twenty Years past been a Soldier in the Service of this Province at His Majestys Castle William & served as a Corporal most of the Time & to good Acceptance, as he presumes, but he being now advanced in Years & not able bodied to enlist in the Service, upon the present Establishm<sup>t</sup> & he being otherwise destitute of any means of Support, Praying that, in Consideration of his long Services & his present needy Circumstances, he may be continued in His Majestys Service in the said Garrison, Notwithstanding his Age & Inability.

Read &

*Ordered* that the Prayer of the Petition be granted, And that His Honour be desired that the Petition<sup>r</sup> be enlisted on the present Establishm<sup>t</sup> of the Pay & Subsistence only of the said Garrison accordingly. [*Passed January 2.*]

## CHAPTER 325.

RESOLVE ALLOWING 4/ PER DAY TO THE SPEAK<sup>R</sup> OF Y<sup>E</sup> HOUSE.

Legislative  
Records of the  
Council, xiii.,  
303.

House Jour-  
nal, p. 80.

*Resolved* that there be allowed & paid out of the publick Treasury after the Rate of four shillings per Diem for every Day of the Session of this present Court & also of the Meeting of the Court in August last upon Certificate of the Clerk of the House to the Hon<sup>ble</sup> William Dudley Esq<sup>r</sup> Speaker in Consideration of his constant Application in dispatching the publick Affairs of the Province. [*Passed January 3.*]

## CHAPTER 326.

## ORDER RELEASING THO. MILLET FROM THE PAYMENT OF POWDER MONEY.

Legislative  
Records of the  
Council, xiii.,  
304. Mass.  
Archives,  
lxiii., 425.

Mass.  
Archives,  
lxiii., 424.  
House Jour-  
nal, p. 80.  
Province  
Laws, ii., 339.

A PETITION of Thomas Millet of the Province of New Hampshire Mariner, Shewing that he arrived at Boston from Piscataqua River in an open Sloop on the 24<sup>th</sup> of Decem<sup>r</sup> last, laden chiefly with Lumber of the Growth & Produce of this Province, & loaded upon him within the Province of Main, That the Impost Officer demands Powder Money of him for his said Sloop called the Elisabeth & Mary, which he must be obliged to pay unless he be relieved by this Court, Therefore Praying for an Order of the Court to the said Impost Officer for exempting him from Paying the said Powder Duty.

Read and

*Ordered* That the prayer of the petition be granted, and that the Commissioner of Impost be & hereby is directed to abate the powder Mony of the petitioners sloop for this present Voyage inas much as the Loading Consisted Chiefly of Lumber the Growth & produce of this province. [*Passed January 3.*]

## CHAPTER 327.

RESOLVE ALLOWING 56/ 6 TO JOS. KNEELAND.

AN ACCOMPT presented by Joseph Kneeland Joyner of Work by him done at the Govern<sup>rs</sup> House, Amounting to the Sum of £2. 16. 6.

Legislative  
Records of the  
Council, xiii.,  
305.

[Read and]

*Resolved* that the Sum of Fifty six shillings & six pence be allowed & paid out of the publick Treasury to the Accomptant Joseph Kneeland in full Discharge thereof. [*Passed January 4.*]

House Jour-  
nal, p. 80.

## CHAPTER 328.

RESOLVE ALLOWING PAYMENT ON THE MUSTER ROLL OF CPT. JOHN GRAY.

A MUSTER ROLL of the Company late in His Majestys Service Eastward under the Command of Cpt John Gray, Containing an Acc<sup>t</sup> of Wages due to them for their Service from the 25<sup>th</sup> of Jan<sup>y</sup> 1725, to the 19<sup>th</sup> of Sept<sup>r</sup> 1726, Amounting to the Sum of £192. 12. 2.

Legislative  
Records of the  
Council, xiii.,  
305.

[Read &amp; Accepted and]

*Resolved* that the Sum of One Hundred & eighty nine Pounds four shillings & two pence be allowed & paid out of the publick Treasury to the Officers & Soldiers born thereon in full Discharge thereof. [*Passed January 4.*]

House Jour-  
nal, p. 66.

## CHAPTER 329.

ORDER FOR LAW BOOKS FOR Y<sup>e</sup> CHIEF JUSTICE & SECRETARY.

*Ordered* that the Hon<sup>ble</sup> Samuel Sewall Esq<sup>r</sup> Chief Justice of the Superior Court of Judicature &c. & M<sup>r</sup> Secretary Willard be furnis<sup>h</sup>d with a Law Book each of the late Impression. [*Passed January 4.*]

Legislative  
Records of the  
Council, xiii.,  
306.

House Jour-  
nal, p. 83.

## CHAPTER 330.

RESOLVE ALLOWING £6 TO CPT. W<sup>m</sup> MAXWELL.

A PETITION of Cpt. William Maxwell of Boston Mariner, Praying that he may be paid for a Bell taken up by Cpt. Robinson Master of the Vessel that His Honour the Lieuten<sup>t</sup> Govern<sup>r</sup> went Eastward in to the Ratification of the Treaty with the Indians, the said Bell being split whilst it was used for the publick Service on board the said Sloop.

Legislative  
Records of the  
Council, xiii.,  
306.

House Jour-  
nal, p. 82.  
*Ante*, p. 51,  
chap. 129.

Read &amp; In Answer to this Petition,

*Resolved* that the Sum of Six Pounds be allowed & paid out of the publick Treasury to the Petitioner William Maxwell in full Satisfaction for the Lent of the said Bell & of the Damage done to it, & that he have the Bell returned to him. [*Passed January 4.*]

## CHAPTER 331.

RESOLVE ALLOWING £59. 5. 1 FOR REPAIRS AT CASTLE WM.

Legislative  
Records of the  
Council, xiii.,  
306.

House Jour-  
nal, p. 55.

AN ACCOMPT presented by John Larrabee of Work done by several Trades men at Castle William together with Materials for the said Works, with the said Trades Mens Bills, Amounting to the Sum of £62. 12. 1.

[Read & Accepted and]

*Resolved* that the Sum of Fifty nine Pounds five shillings & one peny be allowed & paid out of the publick Treasury to the Accomptant John Larrabee, Twenty four Pounds fifteen shillings & four pence whereof to be repaid to Edward Richards; the remaining Sum to whom it is respectively due in full Discharge of the within Acc<sup>t</sup>. [*Passed January 4.*]

## CHAPTER 332.

RESOLVE ALLOWING £10. 10 TO JOSIAH JOHNSON.

Legislative  
Records of the  
Council, xiii.,  
306.

House Jour-  
nal, p. 55.

A PETITION of Josiah Johnson Shewing that altho the Wound, w<sup>ch</sup> he received in his right Arm from the Indian Enemy at Pigwacket in the Fight under Cpt. Lovewell is by the Blessing of God healed, yet he is so much disabled thereby as that he is rendered incapable of labouring for his support, on which he wholly depends, Therefore Praying the compassionate Consideration of this Court, & that he may have an Allowance out of the publick Treasury

Read [& Accepted] &

*Resolved* that the Sum of Ten Pounds ten shillings be allowed & paid out of the publick Treasury to the Petition<sup>r</sup> Josiah Johnson, Eight Pounds in Consideration of his Loss of Time &c; and fifty shillings the Charge of the Doctor, which the Petitioner is to pay. [*Passed January 4.*]

## CHAPTER 333.

RESOLVE ALLOWING £30 TO THO. WHITE.

Legislative  
Records of the  
Council, xiii.,  
307.

House Jour-  
nal, p. 56.

A PETITION of Thomas White of Marshfield, Shewing that having enlisted in the Expedition against Port Royal in the Year 1710, after the Reduction of the Fort there, he was among others detach'd from the New England Forces to make up the Garrison for that Place, & in the Year 1711, he was sent in a Sloop after the French & Indian Enemy, & then met with a French Privateer, who after a long Engagem<sup>t</sup> grievously wounded & took him, & that he was put to great Pain & Expence for several Years after by his said Wounds, being assisted by the Charity of his Neighbours; Therefore Praying the compassionate Consideration of this Court, & some Allowance out of the publick Treasury.

[Read and Accepted, and]

*Resolved* that the Sum of Thirty Pounds be allowed & paid out of the publick Treasury to the Petition<sup>r</sup> Thomas White in full satisfaction as well for his Smart, Pain & Loss of Time as of the Charge he was at for paying the Doctor for Cure of his Wounds. [*Passed January 4.*]



## CHAPTER 334.

## RESOLVE ALLOWING £16 TO ROBT WILSON.

A PETITION of Robert Wilson, Shewing that being in His Majestys Service at the Fort at Richmond, he was accidentally wounded by nine Swan Shot in his Legs, that since he was dismiss'd from the Service he has been under the Care of D<sup>r</sup> Zabdiel Boylstone, & is now likely to be cured of his Wounds & be restored to the Use of his Legs; But in regard the Petition<sup>r</sup> hath endured much Smart & Pain, & lost much Time & is still disabled from following his Trade, Therefore Praying the compassionate Consideration of this Court, & such Relief as in their Wisdom & Goodness they shall think fit.

Legislative  
Records of the  
Council, xiii.,  
307.

House Jour-  
nal, p. 55.

Read [and accepted] &

*Resolved* that the Sum of Sixteen Pounds be allowed & paid out of the publick Treasury to the Petitioner Robert Wilson in Consideration of his Smart Pain & Loss of Time within mentioned. [*Passed January 4.*]

## CHAPTER 335.

ORDER OF NOTICE ON JOSIAH WINSLOW JUN<sup>RS</sup> PETITION FOR AN APPEAL FROM A DECREE IN PROBATE.

A PETITION of Josiah Winslow Jun<sup>r</sup> & Sarah his Wife, one of the Daughters of John Howard Dec<sup>d</sup> one of the Sons of John Howard late of Bridgewater in the County of Plymouth Dec<sup>d</sup> Shewing that there was great Inequality in the Settlem<sup>t</sup> of the Petitioners Grand fathers Estate by the Judge of Probate for the said County in the Year 1710, Since which there is a Law of this Province for limiting the Time of Appeals to six Months after the Judges Decree, But for as much as the Petitioner Sarah was in her Minority & had no Body to act for her, Therefore Praying that she may be admitted to an Appeal from the said Decree, Notwithstanding the Time by Law limited for Appeals is elapsed.

Legislative  
Records of the  
Council, xiii.,  
307. Mass.  
Archives,  
xvii., 428.

Mass.  
Archives,  
xvii., 419, 420,  
423, 426.  
House Jour-  
nal, p. 80.

Read &

*Ordered* that the Petitioners cause the other Parties concern'd in the Affair set forth herein to be served with a Copy of this Petition, That so they give in their Answer upon the first Fryday of the next May Session, If they think fit. [*Passed January 4.*]

## CHAPTER 336.

## ORDER ON NICHOLSS &amp; OLDHAMS PETITION.

A PETITION of Nathaniel Nichols & Isaac Oldham, of Pembroke, Shewing that they being appointed Fence Viewers & finding Abraham Booths Fence insufficient, repaired the same, & commenced an Action at the Inferi<sup>or</sup> Court of Common Pleas held at Plymouth in Septem<sup>r</sup> 1719, for Recovery of their Charges, That the said Booth pleaded in Abatem<sup>t</sup> of the Writ, Alledging that it was Dated on the Lords Day, That, however, the Parties afterwards entered into a Rule of Court to stand to the Arbitrim<sup>t</sup> of Joshua Cushing, Edward Shove & Joseph Barstow, Who made their Report at the same Sessions under their

Legislative  
Records of the  
Council, xiii.,  
276, 309.

House Jour-  
nal, p. 84.

Hands & Seals, And the Petitioners moved that Judgement should be made up accordingly; Which the Court neglected, And the Petitioners being gone Home, the Case drop'd; And yet the Court afterwards to the great Surprize of the Petitioners at the next Session (thô the said Cause was not continued over) brought on the said Action again & abated the Writ for the pretended Mis Date, And when the Petitioners brought their Writ of Review to the said Inferior Court held in March 1722, the Court bar'd the same by reason of the former Proceedings in the Affair; And therefore Praying that the Justices of the said Court of Common Pleas may be impow'ed to make up Judgem<sup>t</sup> on the Referrees Award before mentioned, or that they be otherwise relieved.

[Read and]

*Ordered* that the Petition<sup>r</sup> serve Abraham Booth the adverse Party with a Copy of this Petition, that so he give in his Answer thereto, if he see Cause, on the second Tuesday of the next May Session. [*Passed January 5.*]

## CHAPTER 337.

ORDER ON CHRISTOP. ALMYS PETITION SUSPENDING AN EXECUTION.

Legislative  
Records of the  
Council, xlii.,  
309.

House Jour-  
nal, p. 83.

A PETITION of Christopher Almy of Newport in Rhoad Island Mariner, Shewing that the Court of General Sessions for Dukes County held in January 1723, assign'd & set over to Thomas West an Indian Man named Jonas Cooper (who was Convict of receiving & concealing stolen Goods belonging to the said West,) to serve the said West & his Assigns for the Term of four Years, That in May 1724, the Petitioner bought of the said West the Time of Service which he then had in the said Cooper, which he assign'd over to the Petitioner by an Instrum<sup>t</sup> under his Hand & Seal, That one John Clark of Nantucket, under Colour that the said Indian was his Servant before the said Judgment, obtained a Judgment in Nantucket & took out Execution for the Recovery of him, Praying that the said Execution may be respited till the said Indian has served out his Time, or that the Petition<sup>r</sup> may have such further & other Relief in the Premisses as to the Wisdom and Justice of this Court may seem Meet.

Read &

*Ordered* that this Petition be refer'd to the next May Session for further Consideration, & that in the mean Time the Execution obtained by the said John Clark be suspended, & also that the Petition<sup>r</sup> cause the said John Clark to be served with a Copy of this Petition, that he shew Cause on the said May Session why the Prayer thereof should not be granted. [*Passed January 5.*]

## CHAPTER 338.

VOTE IMPOWERING THE GUARDIAN OF BENJA WHITES CHILDREN TO SELL LAND.

Legislative  
Records of the  
Council, xlii.,  
310.

House Jour-  
nal, p. 84.

WHEREAS Henry Hill late Guardian to the Children of Benjamin White late of Boston Dec<sup>d</sup> with other Guardians were impow'ed by an Order of this Court to sell the Minors Parts of the Lands of John White late of Boston Esq<sup>r</sup> Dec<sup>d</sup> And whereas the said Henry Hill died before the said Order was fulfilled & since his Death M<sup>r</sup> Edward White of Brooklin is appointed Guardian in his room;

*Voted* that the said M<sup>r</sup> Edward White be & hereby is authorized & impowered to join with the other Guardians in performing & executing the aforesaid Order for the Sale of the said Land. [*Passed January 5.*]

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## CHAPTER 339.

### ORDER FOR PAYING ACC<sup>T</sup> OF MARSHF<sup>D</sup> COMM<sup>TEES</sup> CHARGE.

AN ACCOMPT of Marshfields Part of the Charge of the Committee that went to Marshfield & Duxbury in Novem<sup>r</sup> last upon the Petition of several Inhab<sup>ts</sup> of said Towns Amounting to the Sum of £25. 8.

[Read and]

*Voted* that M<sup>r</sup> John Little be impowered to recover & receive of the several Petition<sup>rs</sup> of the Town of Marshfield their Proportions of the above Sums of Twenty five Pounds eight shillings & therewith to satisfy the above Accompt.<sup>1</sup> [*Passed January 5.*]

Legislative  
Records of the  
Council, xiii.,  
310.

*Ante*, p. 117,  
chap. 305.

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## CHAPTER 340.

### RESOLVE ALLOWING £22. 8 TO CPT. JOHN GERRISH.

AN ACCOMPT presented by Cpt. John Gerrish for mending & clensing Arms belonging to the Province for the last Year, & since the giving in his last Acc<sup>t</sup> Amounting to the Sum of £29. 1.

[Read and Accepted and]

*Resolved* that the Sum of Twenty two Pounds eight shillings be allowed & paid out of the publick Treasury to the Accomptant John Gerrish in full Discharge thereof. [*Passed January 5.*]

Legislative  
Records of the  
Council, xiii.,  
310.

House Jour-  
nal, p. 80.

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## CHAPTER 341.

### ORDER ON BRIMFIELD COMM<sup>TEES</sup> PETITION.

A PETITION of John Chandler Esq<sup>r</sup> & others a Committee for the Town of Brimfield, Shewing that the Survey made by the late Wait Winthrop Esq<sup>r</sup> of a Grant of Land at Tantinsques or the Lead Mines is made very irregular & not according to the true Intention of the said Grant, & that it runs in upon the said Town of Brimfield, so as to take in the Meeting House Ministers House & a great Number of the Inhabitants Allotm<sup>ts</sup> so that unless the said Survey be rectified many of the Inhabitants of the said Town of Brimfield will be ruined by it; And therefore Praying such Relief in y<sup>e</sup> Premisses as to the Justice & Wisdom of this Court shall seem meet.

Read And,

*Ordered* that the Petition<sup>rs</sup> cause Thomas Lechmere Esq<sup>r</sup> to be served with a Copy of this Petition, & an other Copy to be left at the House of John Winthrop Esq<sup>r</sup> of New London, That so they give in their Answer thereto (if they see Cause[<sup>1</sup>])<sup>2</sup> on the first Friday of the next Session. [*Passed January 5.*]

Legislative  
Records of the  
Council, xiii.,  
310.

House Jour-  
nal, pp. 48, 49.  
Province  
Laws, ix., 407,  
chap. 60.

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> Inserted from the State Library copy, Legislative Records of the Council, xiii., 304.



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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1727.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1727.

THE HONORABLE WILLIAM DUMMER, ESQ., LIEUT. GOVERNOR,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

JOSIAH WILLARD, ESQ.,

SECRETARY OF THE PROVINCE.

## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called  
the Colony of the Massachusetts Bay;*

WILLIAM TAILER	}	ESQRS.
PENN TOWNSEND		
NATHANIEL BYFIELD		
BENJAMIN LYNDE		
ADDINGTON DAVENPORT		
SAMUEL BROWN		
THOMAS FITCH		
EDMUND QUINCY		
PAUL DUDLEY		

SAMUEL THAXTER	}	ESQRS.
JOHN TURNER		
DANIEL OLIVER		
JONATHAN REMINGTON		
JOHN STODDARD		
TIMOTHY LINDALL		
JOHN CHANDLER		
CHARLES CHAMBERS		
THEOPHILUS BURRILL		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called  
the Colony of New Plymouth;*

ISAAC WINSLOW	}	ESQRS.
JOHN CUSHING		

JOHN OTIS	}	ESQRS.
MELETIAH BOURN		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called  
the Province of Mayn;*

JOHN WHEELWRIGHT, JOSEPH HAMMOND & WILLIAM PEPPERIL, JUNIOR, EQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between  
the River of Sagadahock & Nova Scotia;*

SPENCER PHIPS, ESQ.

<sup>1</sup> See Legislative Records of the Council, xiii., 312-315.

*For the Province, at large:—*

JONATHAN BELCHER & SYMONDS EPES, ESQRS.

# REPRESENTATIVES OR DEPUTIES.

*May 31, 1727 to October 14, 1727.*

MR. WILLIAM DUDLEY, SPEAKER.

## COUNTY OF SUFFOLK.

*Boston*, . . . Joseph Wadsworth, Esq.,  
                   Nathaniel Green, Esq.,  
                   Mr. Ezekiel Lewis,  
                   Mr. Thomas Cushing.  
*Roxbury*, . . . William Dudley, Esq.  
*Dorchester*, . . Major Thomas Tilestone.  
*Milton*, . . . Capt. Jonathan Gulliver.  
*Braintree*, . . John Quincy, Esq.  
*Weymouth*, . . Joseph White, Esq.  
*Hingham*, . . Mr. John Jacobs.  
*Dedham*, . . Mr. Joseph Ellis.  
*Medfield*, . . Mr. Joshua Morse.  
*Mendon*, . . Mr. John Mendon.  
*Wrentham*, . . Mr. Jonathan Ware.  
*Brooklyn*, . . Mr. Samuel White.  
*Woodstock*, . . Major John Chandler.

## COUNTY OF MIDDLESEX — *Concluded.*

*Concord*, . . . Capt. John Flynt.  
*Newton*, . . . Mr. Richard Ward.  
*Sudbury*, . . Capt. Ephraim Curtis.  
*Marlboro'*, . . Mr. Caleb Rice.  
*Sherburne*, . . Capt. Samuel Bullard.  
*Lancaster*, . . Capt. Samuel Willard.  
*Groton*, . . . Mr. Benjamin Preseot.  
*Frammingham*, . Capt. Edward Goddard.  
*Chelmsford*, . . Mr. Benjamin Adams.  
*Billerica*, . . Capt. George Brown.  
*Woburn*, . . . Capt. John Fowle.  
*Reading*, . . Mr. Thomas Baneroff.  
*Malden*, . . . Mr. John Sergeant.  
*Lexington*, . . Francis Bowman, Esq.  
*Weston*, . . . Mr. Joseph Allen.  
*Worcester*, . . Capt. Nathaniel Jones.

## COUNTY OF ESSEX.

*Salem*, . . . Daniel Epes, Esq.,  
                   Benjamin Marston, Esq.  
*Ipswich*, . . . John Wainwright, Esq.,  
                   Thomas Berry, Esq.  
*Newbury*, . . Capt. Henry Rolfe.  
*Lynn*, . . . Mr. Thomas Chever.  
*Marblehead*, . Mr. William Stacey.  
*Haverhill*, . . Mr. James Saunders.  
*Rocky*, . . . Mr. John Hobson.  
*Salisbury*, . . Mr. William True.  
*Glocester*, . . Mr. James Sayward.  
*Andover*, . . Mr. Timothy Osgood.  
*Topsfield*, . . Mr. Nathaniel Boardman.  
*Beverly*, . . . Mr. John Balch.  
*Winham*, . . Mr. Samuel Kembell.  
*Bogford*, . . . Mr. Thomas Perley.  
*Bradford*, . . Capt. Jonathan Woodman.  
*Amesbury*, . . Mr. Orlando Bagley.

## COUNTY OF HAMPSHIRE.

*Springfield*, . Mr. Samuel Day.  
*Northampton*, . Mr. Ebenezer Wright.  
*Hudley*, . . . Mr. Luke Smith.  
*Hatfield*, . . . Mr. John Dickenson.  
*Westfield*, . . Mr. John Gunn.  
*Suffield*, . . . Mr. John Kent.  
*Enfield*, . . . Mr. Nathaniel Collins.

## COUNTY OF PLYMOUTH.

*Plymouth*, . . Josiah Cotton, Esq.  
*Scituate*, . . . Capt. Amos Turner.  
*Marshfield*, . . Nathaniel Thomas, Esq.  
*Dorchester*, . . Capt. John Alden.  
*Bridgewater*, . Mr. Isaac Johnson.  
*Middleboro'*, . Mr. Nathaniel Southworth.  
*Rochester*, . . Mr. Joseph Benson.  
*Plympton*, . . Mr. Isaac Cushman.  
*Pembroke*, . . Mr. Elisha Bysby.

## COUNTY OF BARNSTABLE.

*Barnstable*, . . Shubal Gorham, Esq.  
*Yarmouth*, . . Mr. Josiah Miller.  
*Eastham*, . . Joseph Doan, Esq.  
*Harwich*, . . Capt. Edmund Freeman.  
*Truroe*, . . . Mr. Thomas Payne.



## COUNTY OF BRISTOL.

*Bristol*, . . . Nathaniel Payne, Esq.*Taunton*, . . . Seth Williams, Esq.*Swanzey*, . . . Mr. Ephraim Pierce.*Richbold*, . . . Mr. Jathniel Peck.*Little Compton*, Thomas Church, Esq.*Dighton*, . . . Mr. Edward Shove.*Tiercton*, . . . Mr. Thomas Manchester.*Attleboro*, . . . Capt. Joseph Brown.*Norton*, . . . George Leonard, Esq.*Dartmouth*, . . . Capt. John Akin.*Freetown*, . . . Mr. Thomas Gage.

## COUNTY OF YORK.

*York*, . . . . Col. John Harman.*Killery*, . . . . Capt. Stephen Eastwick.*Wells*, . . . . Mr. Samuel Stuart.*Berwick*, . . . Mr. James Grant.

## DUKES COUNTY.

*Edgar Town*, . Mr. Benjamin Smith.

## IN THE ISLAND OF NANTUCKET.

*Sherburn*, . . . George Bunker, Esq.



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE THIRTY-FIRST DAY OF MAY, A.D. 1727.

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## CHAPTER 1.

RESOLVE ALLOWING THE CO. TREAS<sup>R</sup> OF PLYMOUTH HIS ACCT<sup>T</sup>.

AN ACCOMPT presented by Cpt. John Dyer, Treasurer of the County of Plymouth for the Year 1726, Which being laid before the Court of General Sessions of the Peace for the said County, & by them examined & allowed;

Legislative  
Records of the  
Council, xiii.,  
317.

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House Jour-  
nal, p. 7.

Read & Accepted &

*Ordered* that this Accompt be allowed. [*Passed June 1.*]

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## CHAPTER 2.

RESOLVE ALLOWING THE CO. TREAS<sup>R</sup> OF BRISTOL HIS ACCT<sup>T</sup>.

AN ACCOMPT presented by Cpt. William Throop Treasurer of the County of Bristol for the Year 1726, Having been laid before the Court of General Sessions of the Peace for the said County, & by them examined & allowed;

Legislative  
Records of the  
Council, xiii.,  
317.

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House Jour-  
nal, p. 7.

Read & Accepted &

*Ordered* that this Accompt be allowed. [*Passed June 1.*]

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## CHAPTER 3.

RESOLVE ALLOWING THE CO. TREAS<sup>R</sup> OF BARNSTABLE HIS ACCT<sup>T</sup>.

AN ACCOMPT presented by M<sup>r</sup> Ebenezer Lewis Treasurer of the County of Barnstable for the Year 1726, Having been laid before the Court of General Sessions of the Peace for the said County & by them examined & allowed;

Legislative  
Records of the  
Council, xiii.,  
317.

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House Jour-  
nal, p. 8.

Read & Accepted &

*Ordered* that this Accompt be allowed. [*Passed June 1.*]

## CHAPTER 4.

RESOLVE ALLOWING THE CO. TREAS<sup>R</sup> OF HAMPSHIRE HIS ACCT<sup>T</sup>.Legislative  
Records of the  
Council, xiii.,  
317.House Jour-  
nal, p. 8.

AN ACCOMPT presented by M<sup>r</sup> Joseph Hawley Treasurer of the County of Hampshire for the Year 1726. Having been laid before the Court of General Sessions of the Peace for the said County & by them examined & allowed.

Read &amp; Accepted &amp;

*Ordered* that this Accompt be allowed. [*Passed June 1.*]

## CHAPTER 5.

ORDER ON THE PETITION OF SUNDRY INHAB<sup>T</sup>S OF MARSHFIELD IN REGARD TO A MEETING HOUSE.Legislative  
Records of the  
Council, xiii.,  
318. Mass.  
Archives, xi.,  
423.House Jour-  
nal, pp. 9, 41.

A PETITION of Nathaniel Eams & sundry others Inhabitants of the Northerly Part of Marshfield, Shewing that they are at a great Distance from the Place of publick Worship in the said Town, that they have applied to the Town to set them off, but could not obtain Relief, that they have met together for the Worship of God in a private House, but there being three Hundred Persons that have attended there. No private House is sufficient for them, & therefore they have provided a Frame for a Meeting House, Praying that they may have Liberty to erect & build the said Meeting House and meet in it for the Worship of God.

Read and

*Ordered* That the petitioners Serve the Town of Marshfield with a Copy of this petition as soon as may be that they shew Cause if any they have on Thursday the fifteenth of this Instant June why the prayer of the petition should not be granted. [*Passed June 1.*<sup>1</sup>]

## CHAPTER 6.

ORDER FOR ANNEXING LANDS TO ROCHESTER.

Legislative  
Records of the  
Council, xiii.,  
318. Mass.  
Archives,  
cxiii., 697.House Jour-  
nal, p. 10.

A PETITION of the Select men of the Towns of Rochester & Middleborough. Shewing that there is a Tract of Land situate between the said two Townships, being Part of the Purchase commonly called the South Purchase, which is not as yet annexed to any Town as to the Jurisdiction; And therefore Praying that the same may be annexed to the Town of Rochester, to which it will ly most convenient.

Read and

*Ordered* That the prayer of the petition be granted and that the Land mentioned in the petition not as yet Annexed to any Town be & hereby is Annexed to the said Town of Rochester asto the Jurisdiction thereof only, and Accounted aspart of the said Town of Rochester for the future accordingly. [*Passed June 2.*]

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 2. The petition was dismissed on June 17. — Legislative Records of the Council, xiii., 347.

## CHAPTER 7.

ORDER ON LEICESTER PET<sup>ION</sup> TO SETTLE BOUNDARY LINE.

A PETITION of the Proprietors & Inhabitants of the Town of Leicester, Shewing that the Select men of the Town of Brookfield have lately notified the Select men of Leicester to run or perambulate the Dividing Line between the said Towns, & that in as much as the Time of Notification is so short as that the Proprietors of the Westerly Part of Leicester which borders on Brookfield, can not be seasonably apprized thereof, And it is apprehended that the Select men of Brookfield design, under Pretence of a Line run & Marks lately made by them, to encroach very much upon the Township of Leicester; And for as much as the Boundaries between the Counties of Middlesex & Hampshire will be determined in a great Measure by the Running of this Line, Therefore Praying that a Stop may be put to the Proceedings of the Select men of Brookfield for the present and until such Time as a Committee appointed by this Great & General Court for that Purpose may settle the true Line between the said Towns according to their respective Grants from this Court; The Charge to be born as shall seem reasonable to the Court.

Read and

*Ordered* That this petition be referred to the next Session for further Consideration, and that in the Mean time the petitioners Serve the Town of Brookfield with a Copy of it, that they shew Cause on the second Wednesday of the said Session why the prayer thereof should not be granted, and the said Towns are not to run the Lines or Boundaries before that Time. [*Passed June 2.*]

Legislative  
Records of the  
Council, xlii.,  
319. Mass.  
Archives,  
cxlii., 700.

Mass.  
Archives,  
cxlii., 698.  
House Jour-  
nal, p. 10.

## CHAPTER 8.

RESOLVE ALLOWING £2. 12 TO EBEN<sup>R</sup> POMROY.

AN ACCOMPT presented by Ebenezer Pomroy Esq<sup>r</sup> of sundry Charges occasioned by the Prosecution of Adijah Dewey for false Musters Amounting to the Sum of £3. 2.

[Read and]

*Resolved* that the Sum of Two Pounds twelve shillings be allowed & paid out of the publick Treasury to M<sup>r</sup> Ebenezer Wright, to be by him paid to the Accomptant Ebenezer Pomroy Esq<sup>r</sup> in full Discharge thereof. [*Passed June 2.*]

Legislative  
Records of the  
Council, xlii.,  
319.

House Jour-  
nal, p. 9.  
Province  
Laws, x., 593,  
chap. 45.

## CHAPTER 9.

RESOLVE ALLOWING £5 TO JOS. DOAN ESQ<sup>R</sup>.

A PETITION of Joseph Doan of Eastham Esq<sup>r</sup> Shewing that in the Month of April 1717, he was informed that a Number of Men were cast ashore on the Back Side of Eastham, whereupon he seized & committed seven of them upon Suspicion of Piracy, And it afterwards proved that they were Part of the Widau's Crew, Commanded by Sammel Bellamy, that the Petition<sup>r</sup> attended at the Trial of the said Men as an Evidence for the King by Order of His Excellency, Praying

Legislative  
Records of the  
Council, xlii.,  
320. Mass.  
Archives,  
lxiii., 448.

Mass.  
Archives,  
lxiii., 447.  
House Jour-  
nal, p. 10.

that he may be allowed by this Court for his Time & Expence in the Affair.

Read and in Answer to this Petition

*Resolved* That the sum of Five pounds be allowed and paid out of the publick Treasury to the petitioner Joseph Doane Esq<sup>r</sup> in full Satisfaction of the Services within mentioned. [*Passed June 2.*]

## CHAPTER 10.

### ORDER ALLOWING TWO ACC<sup>TS</sup> OF THE CO. TREAS<sup>R</sup> OF SUFFOLK.

Legislative  
Records of the  
Council, xiii.,  
321.

House Jour-  
nal, p. 13.

Two Accompts presented by Samuel Checkley Esq<sup>r</sup> Treasurer of the County of Suffolk, Having been presented by him to the Court of General Sessions of the Peace for the said County & by them examined and allowed; They being for the Years 1725, & 1726.

Read &

*Ordered* that the said Accompts be Accepted & Allowed, Except the Article of Three Pounds charged the twelfth of April for Drawing of Warrants for Rates for twenty Towns, & sending them to the several Towns, Which is not allowed, but to be put to the Credit of the next Account. [*Passed June 6.*]

## CHAPTER 11.

### ORDER ALLOWING THE CO<sup>Y</sup> TREAS<sup>R</sup> OF MIDDLESEX HIS ACC<sup>T</sup>.

Legislative  
Records of the  
Council, xiii.,  
321.

House Jour-  
nal, p. 13.

AN ACCOMPT presented by Daniel Russel Esq<sup>r</sup> Treasurer of the County of Middlesex, Having been by him laid before the Court of General Sessions of the Peace for the said County and examined and allowed by the said Court.

Read & Accepted &

*Ordered* that the said Account be allowed. [*Passed June 6.*]

## CHAPTER 12.

### RESOLVE GRANTING THE PETITION OF DIVERS INHABITANTS OF MALDEN TO BE ANNEXED TO THE TOWN OF READING.

Legislative  
Records of the  
Council, xiii.,  
322.

House Jour-  
nal, p. 57  
(December,  
1726; p. 11.

A PETITION of Thomas Bancroft & Timothy Goodwin in Behalf of the Town of Reading, & William Green for him self & Thomas Upham, Richard Upham, Nathaniel Evans, David Green, John Walton, Samuel Evans, John Evans, Samuel Howard & Thomas Green, all of Malden. Shewing that the said ten Persons of Malden with their Families live so remote from the Middle of the Town, that they are under great Inconveniences & Difficulties to attend the publick Worship there, & their Civil & Military Duties in the said Town & that they ly much nearer to Reading; And therefore Praying that they may be set off from Malden & annexed to the Town of Reading, & that they may have & enjoy equal Privileges & Immunities with the present Inhabitants of the said Town; The Line by which they would be set off to be as follows; viz. Easterly on Boston & Reading Bounds, Southerly upon the fifth Range

Line between the fourth & fifth Division Lots in the first Division, West-erly upon the Town of Stonham & Northerly on Reading within Half a Mile or less of Reading Meeting House.

Read<sup>1</sup> together with the Answer of the Town of Malden thereto, who have signified their Willingness to part with the said ten Families; And in Answer thereto,

*Resolved* that the Prayer of the Petition be granted, & that the said ten Families & their Estates be annexed to & accounted as Part of the Town of Reading for the future, according to the Line set forth in the Petition; Any Law, Usage or Custom to the Contrary Notwithstanding. [*Passed June 6.*]

## CHAPTER 13.

RESOLVE ALLOWING PAYMENT OF THE MUSTER ROLL OF THE GAR-RISON AT FORT MARY WITH DIVERS ACCTS.

A MUSTER ROLL of the Garrison in His Majestys Service at Fort Mary at Winter Harbour, late under the Command of Cpt. Samuel Hinkes, Containing an Accompt of Wages due to them for their said Service from Dec. 21. 1726, to April 1. 1727, Amounting to the Sum of £52 Together with an Accompt of Fire Wood supplied by Richard Smith, Amounting to £14. 16, an Accompt of Cord Wood supplied by Nathaniel Duires, Amounting to £1. 8, & an Accompt of Work done at the said Fort, by Pendleton Fletcher, Amounting to Eighteen shillings.

Legislative  
Records of the  
Council, xlii.,  
325. Mass.  
Archives, xci.,  
244.  
Mass.  
Archives, xci.,  
243, 243A, 243B,  
243C. House  
Journal, p. 15.

Read and Accepted and

*Resolved* That the sum of Fifty two pounds be allowed and paid out of the publick Treasury to the Officers and Soldiers born on the within Roll to whom the same is respectively due in full Discharge of the Wages thereof, and that the further Sum of Seventeen pounds Seven shillings be allowed and paid out of the publick Treasury to the Accomptants or their Order in full Discharge of the Several Acco<sup>ts</sup> annexed to Said Muster Roll. [*Passed June 7.*]

## CHAPTER 14.

ORDER ON JON<sup>A</sup> WHITNEYS PET<sup>IONS</sup> FOR RETURN OF MONEY AND BOND UPON PERFORMANCE OF CONDITIONS.

A PETITION of Jonathan Whitney of Concord, Shewing that he purchased of Joseph Ball of Watertown a Lot in the South Township of Turkey Hills lying contiguous to Lancaster & Groton, being the forty fifth Lot in Number; Which the said Ball sold to the Petitioner before he had performed the Condition of the Grant, And by reason of the late War the Petitioner has not yet fully performed the said Condition, though he is proceeding therein & hoped fully to accomplish it in a short time, That the Committee of this Court for the said Towns have declared the Lands forfeited, but have since upon the Petitioners paying Five Pounds, & giving Security for the Payment of Thirty five Pounds more to the said Committee, they have reconveyed the said Lot to the Petitioner, Praying the Order of this Court to the said Committee to return him his Money & Bond upon his Fulfilling the Conditions of the said Grant in such convenient Time as shall be allowed him.

Legislative  
Records of the  
Council, xlii.,  
325.  
House Jour-  
nal, p. 16.  
Province  
Laws, ix., 696,  
chap. 113.

<sup>1</sup> First considered in December, 1726, and then referred to the next May session. — House Journal, p. 57 (December).

Read &

*Ordered* that the Petitioner forthwith serve the Committee appointed to grant out Allotm<sup>ts</sup> & admit Settlers in the said Township with a Copy of the Petition, that they shew Cause on Monday the twelfth Day of June Currant, Why the Prayer thereof should not be granted. [*Passed June 7.*]

## CHAPTER 15.

### ORDER GRANTING PETITION OF MARTHA RINDGE TO MARRY.

Legislative  
Records of the  
Council, xiii.,  
329.

House Jour-  
nal, p. 22.

A PETITION of Martha Rindge of Ipswich, Shewing that in the Month of July 1724, her late Husband Daniel Rindge, being out on a Fishing Voyage with John Caldwell & others at a Place called the Seal Islands near Penobscot Bay, as they were fishing at Anchor, they were surprized by an Indian Privateer Scooner, who boarded them & took the Petitioners Husband with the Rest of the Company, & in all Probability killed them all, that the Petitioner is left with several small Children & in poor Circumstances, & has now an Opportunity of advancing her Circumstances in many respects by Marriage to one John Wood of Ipswich, And for as much as the three Years stated by Law are not fully expired, Therefore Praying the Licence of this Court to intermarry, the said Law Notwithstanding.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petition<sup>r</sup> have Liberty to intermarry accordingly Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed June 10.*]

## CHAPTER 16.

### RESOLVE ALLOWING £8. 8. 11 TO DANIEL POWNING.

Legislative  
Records of the  
Council, xiii.,  
329.

House Jour-  
nal, p. 25.

AN ACCOUNT presented by Daniel Powning, Keeper of the Powder House of Expence for Coals, Candles, Wages of Watch men, Repairs of the House together with his Salary for the last Year, as also the Storage of the Merchants Powder, Ball<sup>a</sup> due to the Accomptant being £8. 8. 11.

[Read and]

*Resolved* that the Sum of Eight Pounds eight shillings & eleven pence be allowed & paid out of the publick Treasury to the Accomptant Daniel Powning in full Discharge of the within Accompt, Ending the first Currant. [*Passed June 12.*<sup>1</sup>]

## CHAPTER 17

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE FOR SELLING LAND NEAR BRIDGWATER.

Legislative  
Records of the  
Council, xiii.,  
330.

PAUL DUDLEY Esq<sup>r</sup> from the Committee of both Houses appointed & impowered to sell a Tract of Province Land near Dorchester &

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is June 10.



Bridgwater & bordering on the Province Line, gave in the following Report; viz,

In Obedience to an Order of the Great & General Court at their Sessions Novem<sup>r</sup> 1724, hereto annexed, The Committee therein named have made Sale of the said Parcel of Land containing about Two Hundred Acres unto Robert Howard, Ephraim Fobes & Joseph Snell the Petitioners (according to the Order of the said Court) for the Sum of Two Hundred Pounds; with an Accompt of the Charge, & have paid in the Neet Produce; viz, One Hundred & ninety Pounds eleven shillings to M<sup>r</sup> Treasurer Allen, as will appear by his Receipt hereto also annexed, who has also the particular Accompt.

In the Name & by Order of the Committee PAUL DUDLEY

Read &

*Ordered* that this Report be Accepted, &

*Resolved* that the Commissioners the Accomptants be & hereby are discharged of the Accompt of the Sale of the said Lands, The neet Proceeds whereof being One Hundred & ninety Pounds eleven shillings. [*Passed June 12.*]

House Jour-  
nal, p. 22.  
Province  
Laws, x., 489,  
chap. 164.

## CHAPTER 18.

### RESOLVE ALLOWING £19. 5 TO THO. HOWLAND.

A PETITION of Thomas Howland of Marshfield, Shewing that in the Month of May last his House was burnt & almost all that he had in it consumed in the Flames, Particularly, Nineteen Pounds five shillings in the Bills of Credit on this Province, Praying that he may be allowed the said Sum out of the publick Treasury; The Petitioners Testimony together with his Wifes & Daughters relating to the Premises made before a Justice of the Peace accompanying the said Petition.

Legislative  
Records of the  
Council, xiii.,  
330.

House Jour-  
nal, p. 20.

Read [and Accepted] &

*Resolved* that the Sum of Nineteen Pounds five shillings be allowed & paid out of the publick Treasury to the Petitioner Thomas Howland in Answer thereto. [*Passed June 12.*]

## CHAPTER 19.

### ORDER ON THE PETITION OF STEP. BARKER & OTHERS IN METHUEN FOR REMOVAL OF A MEETING HOUSE AND REIMBURSEMENT OF THE PETITIONERS.

A MEMORIAL of Stephen Barker & Daniel Bodwell in Behalf of them selves & nineteen other Inhabitants of the Town of Methuen, Shewing that whereas this Court were pleased to Order that their Meeting House should be placed at the Southerly End of the Hill called Meeting House Hill, the Petitioners desired the Select men of the said Town to call a Meeting of the Inhabitants in Order to lay before them the Order of the General Court, but they refused to call a Meeting, so that the Petitioners were obliged to apply to a Justice of the Peace, who granted a Warrant accordingly, That at the Meeting so called, the Petitioners read the Order of the Court for removing the Frame of the Meeting House & erecting it in the Place aforesaid; And then and at sundry other Times the Petitioners moved that the Inhabitants would comply with the said Order, but to no Effect, That they not only neglected to obey the Authority of the Court, but Voted that the Frame should be

Legislative  
Records of the  
Council, xiii.,  
330.

House Jour-  
nal, pp. 21, 22.  
*Ante*, p. 100,  
chap. 266.

covered at the Cost of the Town at the Place where they had first erected it; And therefore Praying that this Court would take effectual Order that the said Meeting house may be removed to the Place before appointed, & that the Petitioners may be reimbursed the great Expence they have been at in this Affair, or that they may have such other Relief as to this Court shall seem fit.

Read &

*Ordered* that the Petitioners serve Asa Swan, Thomas Whitter, John Bailey, Ebenezer Barker and Daniel Bodwell Selectmen of the Town of Methuen for the Year 1726, Robert Swan Moderator of the Town Meeting held the eighth of Febry. & seventh of March last & William Whittier Town Clerk of the said Town of Methuen with a Copy of this Petition; And they, viz, the said Select men &c be & hereby are directed to appear before this Court on Thursday the fifteenth Day of June Current, That they then shew Cause, if any they have, why they & the said Town of Methuen have not obeyed the Order of this Court respecting the Placing the Meeting House in said Town. [*Passed June 12.*]

## CHAPTER 20.

### ORDER IMPOWERING PETER LUCE ATTORNEY TO AAR. STUCKEY TO PROVE A DEBT.

Legislative  
Records of the  
Council, xiii.,  
331.

House Jour-  
nal, p. 23.

A PETITION of Peter Luce Attorney to Aaron Stuckey of the Island of Fayal Merchant, Shewing that the said Stuckey is a Creditor to the Estate of Coll. Gyles Dyer Dec<sup>d</sup> now under the Management of M<sup>rs</sup> Mary Dyer the Administ<sup>r</sup> That he has lived at Fayal for the Space of six Years, so that he is entirely unacquainted with the Management of the said Estate Which is the reason that he has not entered his Claim with the Commissioners within the Time limited, And for as much as the Debt owing from the said Estate to M<sup>r</sup> Stuckey (viz, to the Amount of Four Hundred Pounds, as may be made to appear) is the most of what he has to depend upon for his Support, Therefore Praying that the Petitioner as his Attorney may have Liberty now to give in & make out his Claim, And that the Judge of Probate for the County of Suffolk may be ordered to receive the same, & that he have equal Benefit with other Creditors in proving his Debt and being allowed his rateable Part and Proportion of the said Estate.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petitioner Peter Luce as Attorney to the said Aaron Stuckey be allowed to prove his Debt & Claim to the Estate of the said Gyles Dyer Dec<sup>d</sup> And the Judge of Probate of Wills & Granting Letters of Administration in the County of Suffolk is hereby empowered & directed to receive the same accordingly, Any Law, Usage or Custom to the Contrary Notwithstanding. [*Passed June 12.*]

## CHAPTER 21.

### RESOLVE ALLOWING £18 TO PETER WALTON.

Legislative  
Records of the  
Council, xiii.,  
332.

A PETITION of Peter Walton, Shewing that he was employed in delivering out the publick Stores to the Soldiers at Casco Bay by Order of M<sup>r</sup> Edmund Mountforth from Decem<sup>r</sup> 1725, to the Time of

the Ratification of the Peace with the Indians at Falmouth, Praying such an Allowance for his said Service as to this Court shall seem meet.

Legislative  
Records of the  
Council, xiii.,  
48. House  
Journal, pp. 20,  
21.

Read &

*Resolved* that the Sum of Eighteen Pounds be allowed & paid out of the publick Treasury to the Petition<sup>r</sup> Peter Walton in full Satisfaction of the Services herein mention'd. [*Passed June 12.*]

## CHAPTER 22.

RESOLVE ALLOWING £31. 10 TO ZECH<sup>A</sup> TRESCOT.

AN ACCOMPT presented by Zechariah Trescot Keeper of His Majestys Goal in Boston of the Charge of Keeping sundry Indians from the sixth of Decem<sup>r</sup> last to this Time, & for Dieting George Condict a Person condemned for Piracy but reprieved till His Majestys Pleasure might be known, Amounting to the Sum of £38. 9. 10.

Legislative  
Records of the  
Council, xiii.,  
333.

[Read and Accepted and]

*Resolved* that the Sum of Thirty one Pounds & ten pence be allowed & paid out of the publick Treasury to the Accomptant Zechariah Trescot in full Discharge of the said Accompt in the several Articles thereof. [*Passed June 13.*]

House Jour-  
nal, p. 21.

## CHAPTER 23.

RESOLVE ALLOWING £3. 5 TO D<sup>R</sup> JOHN KITTERIDGE AND £10 ANNUALLY FOR SEVEN YEARS TO NOAH JOHNSON.

A PETITION of Noah Johnson of Dunstable, Shewing that in the late Fight with the Indians at Pigwacket under Cpt. Lovewell he received Wounds in both his Hands which have rendered him incapable of labouring for his Support, that his Surgeons Bills for his late Administration amounts to the Sum of £3. 5 Praying that the same may be discharged out of the publick Treasury & that in Consideration of his present distress'd Condition, this Court would please to grant him such an Annual Pension for his Support as to their Goodness shall seem fit.

Legislative  
Records of the  
Council, xiii.,  
333.

House Jour-  
nal, p. 22.

Read & In Answer to this Petition,

*Resolved* that the Sum of Three Pounds five shillings be allowed & paid out of the publick Treasury to D<sup>r</sup> John Kitteridge to discharge his Accompt for Medicines &c administer'd to the Petitioner Noah Johnson, And further that the Sum of Ten Pounds be annually allowed & paid out of the publick Treasury to the Petitioner for & during the space of seven Years (if he live so long) in Consideration, of the Wounds received in the Service of this Province, as is particularly set forth in the Petition. [*Passed June 13.*]

## CHAPTER 24.

ORDER ON THE 2<sup>D</sup> PETITION OF THE COMMITTEE FOR BELLINGHAM IN REGARD TO THE TOWN BOUNDARY.

A PETITION of John Darling, John Thomson, & Jonathan Draper a Committee of the Town & Proprietors of Bellingham, Praying that the

Legislative  
Records of the  
Council, xiii.,  
334.

Legislative  
Records of the  
Council, xiii.,  
322. House  
Journal, p. 26.

Vote pass'd on their former Petition the sixth Currant<sup>1</sup> may be reconsidered & that the Town of Wrentham may be notified to shew Cause why the true Line between that Town & the Town of Bellingham may not be made certain according to their Original Grants & also that the thirteen Families set off to Bellingham by an Order of this Court in the Year 1719, be still continued there.

Read &

*Ordered* that the Petitioners serve the Town of Wrentham with a Copy of these two Petitions, that they shew Cause on the second Wednesday of the next Session of this Court why the Prayer thereof should not be granted, And that the Justices of the Superiour Court be impowered & directed, if Occasion should be, to continue over the Action refer'd to in the said Petitions, to be heard at Boston in August, to the then next Term of the said Court in the County of Suffolk. [*Passed June 13.*]

## CHAPTER 25.

### VOTE ALLOWING TREAS<sup>R</sup> ALLENS GENERAL ACCT<sup>R</sup>.

Legislative  
Records of the  
Council, xiii.,  
335. Mass.  
Archives,  
cxxxiii., 347.

House Jour-  
nal, p. 17.

THE ACCOUNT of Jeremiah Allen Esq<sup>r</sup> Treasurer & Receiver General of the Province of the Massachusetts Bay in New England, Beginning May 26. 1726, & Ending May 31. 1727, Amounting to the Sum of One Hundred & forty three Thousand nine Hundred & fifty four Pounds seventeen shillings & ten pence half penny, Having been presented & laid before the House of Represent<sup>ves</sup> & inspected by said House: By which it appears that there was outstanding the thirty first of May 1727, Eleven Thousand four Hundred & seven Pounds five shillings & ten pence of the Taxes, Thirty seven Thousand & five Hundred & ninety four Pounds fifteen shillings of the £50,000 Loan, Forty four Thousand seven Hundred and forty three Pounds six shillings and eleven pence Next Province Bills further to be accompted for;

*Voted* That the said Accompts in the Several Articles and Payments therein mentioned Amounting to the Sum of Fifty Thousand Two Hundred and Nineteen pounds, ten shillings and One penny half penny be and hereby are allowed off, and the said Treasurer is hereby discharged of the said Sum of Fifty Thousand Two hundred and Nineteen pounds, ten shillings and One penny half penny Accordingly.<sup>2</sup> [*Passed June 13.*]<sup>3</sup>

<sup>1</sup> "A Petition of John Darling & others Selectmen of the Town of Bellingham, Shewing that the Select men of Wrentham have sued them for not perambulating the Line between the said Towns when called to that Service, That the Petitioners are very ready to comply with the Law in that respect, but their Town is now, being lately taken off from Dedham, & no true Line ever yet run between the said Towns, That the Petitioners met the Selectmen of Wrentham, but finding that, instead of running a due North & South Line, which is according to Dedham Grant, they varied much to the Westward, which the Petitioners apprehending would take off from their Town three Hundred Acres of Land, they refused to proceed; And therefore Praying that this Court would appoint a Committee of able & disinterested Persons to settle the said Boundary, or otherwise to grant them Relief.

In Council; Read &

*Ordered* that the Petitioners forthwith serve the Town of Wrentham with a Copy of this Petition, And that they give in their Answer thereto, If they see Cause, on Fryday the sixteenth, of this Instant June

In the House of Represent<sup>ves</sup> Read & Non Concur'd." — Legislative Records of the Council, xiii., 322.

<sup>2</sup> The House Journal reads, "That the said Accompts, in the several Articles of Receipts and Payments therein mentioned, be and hereby are allowed of, and the said Treasurer is hereby discharged of the said Accompts accordingly."

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 14.

## CHAPTER 26.

## ORDER IMPOWERING JOSIAH &amp; HANAH WILLARD TO MAKE PARTITION OF LANDS.

A PETITION of Josiah Willard Esq<sup>r</sup> & Hannah his Wife, Shewing that M<sup>r</sup> William Clark late of Boston Merch<sup>t</sup> Dec<sup>d</sup> (former Husband of the said Hannah) together with Benjamin Lynde, Addington Davenport, Thomas Fitch, Jonathan Belcher Paul Dudley, John Wainwright Esq<sup>rs</sup> & M<sup>r</sup> John Caswell of London were possessed of certain wast Lands lying within the County of Hampshire between the Towns of Brookfield & Hadley, being one Tract of the Lands commonly called the Equivalent Lands, That the said William Clark left divers Children which he had by the Petitioner Hannah, to whom his Part of the said Land does by Law descend, that the Proprietors are desirous that a Partition be made of the said Lands, that so they may hold their own in Severalty, But for as much as the Heirs of the said William Clark are all Minors & no Person allowed by Law to act for them in such Partition; Therefore Praying that Madam Mary Saltonstal (who is Guardian to all the said Minors) may be empowered on their behalf to join with the other Proprietors in dividing the said Lands which will prevent a considerable Charge that will accrue to the Estate of the said William Clark, if the Proprietors sh<sup>d</sup> bring their Writ of Partition against the said Guardian.

Read &

*Ordered* that the Prayer of the Petition be granted, Any Law, Usage or Custom to the Contrary Notwithstanding. [*Passed June 14.*]

Legislative  
Records of the  
Council, xlii.,  
336.

House Jour-  
nal, p. 30.

## CHAPTER 27.

## ORDER FOR CALLING A TOWN MEETING AT HANOVER.

*Ordered* That M<sup>r</sup> Joseph Baistow a principal Inhabitant of the Town of Hannover be impowred and directed to Notifie and summon the Inhabitants duly qualified for Voters to meet and Assemble for the Choosing of Town officers to stand until the next Annual Election according to Law. [*Passed June 14.*]

Legislative  
Records of the  
Council, xlii.,  
336. Mass.  
Archives,  
cxlii., 707.

House Jour-  
nal, p. 28.

## CHAPTER 28.

## RESOLVE ALLOWING £20 TO THE MINISTER AT BIDDEFORD.

A PETITION of the Inhabitants of the Town of Biddeford, Setting forth their thankful Acknowledgem<sup>t</sup> of the Favour of this Court in the Grants which have been made to them with the Town of Arundel for the support of the Ministry in the said Towns jointly, That they have provided a Minister for them selves, & erected & almost finished a Meeting House, but being very much impoverished by the Indian War, so that they are not capable of supporting a Minister according to their Desire, Therefore Praying that they may be exempted from paying any thing towards the Province Tax this Year & that they may be assisted in the support of their Minister.

Legislative  
Records of the  
Council, xlii.,  
337.

House Jour-  
nal, p. 30.  
*Ante*, p. 16,  
chap. 29.  
*Infra*, chap. 29.

Read & In Answer to this Petition,

*Resolved* that the Sum of Twenty Pounds be allowed & paid out of the publick Treasury to Cpt. Samuel Jordan, to be by him repaid to the Minister the Town has called for his Encouragem<sup>t</sup> & towards his Support in the Gospel Ministry the Year Currant. [*Passed June 15.*]

## CHAPTER 29.

RESOLVE ALLOWING £20 TO THE MINISTER AT ARUNDEL.

Legislative  
Records of the  
Council, xiii.,  
337.

House Jour-  
nal, p. 30.  
*Supra*, chap.  
28.

A PETITION of the Inhabitants of the Town of Arundel acknowledging the great Favour of this Court in the Grants they have made from Time to Time for the Support of the Minister for the said Town & the Town of Biddeford jointly, And shewing that they have a Minister residing among them, & are about to build a Meeting House, but for as much as they are greatly reduced and impoverished by the Indian War, therefore Praying that they may be exempted from paying any thing towards the Province Tax this present Year, & that they may be assisted by this Court in the support of their Minister.

Read & In Answer to this Petition,

*Resolved* that the Sum of Twenty Pounds be allowed and paid out of the publick Treasury to M<sup>r</sup> Allison Brown to be by him repaid to the Reverend Minister the Town has called for his Encouragement and Support in the Gospel Ministry for the Year Currant. [*Passed June 15.*]

## CHAPTER 30.

RESOLVE ALLOWING £33 TO GREEN & KNEELAND.

Legislative  
Records of the  
Council, xiii.,  
337.

House Jour-  
nal, p. 30.

AN ACCOMPT presented by Bartholemew Green & Samuel Kneeland of Paper & Printing the Votes of the House of Represent<sup>ves</sup> in their Session Held in Novem<sup>r</sup> last, Amounting to the Sum of £33.

[Read and]

*Resolved* that the Sum of Thirty three Pounds be allowed & paid out of the publick Treasury to the Accomptants Bartholemew Green & Samuel Kneeland in full Discharge of the said Accompt. [*Passed June 15.*]

## CHAPTER 31.

RESOLVE ALLOWING £31. 8. 6 TO COLL. JOHN WHEELWRIGHT.

Legislative  
Records of the  
Council, xiii.,  
338.

House Jour-  
nal, p. 21.  
*Ante*, p. 51,  
chap. 129.

AN ACCOMPT presented by Coll. John Wheelwright of his Time & Expence in attending the Examination of Indians at Winter Harbour in October last by Order of the Lient. Governor & Council, Charge of a Guard to attend him, Time & Expence of the several Witnesses, Boat Hire &c, together with his own Attendance on His Honour the Lient. Govern<sup>r</sup> at the Ratification of the last Treaty at Falmouth, Amounting in the Whole to the Sum of £36. 8. 6.

[Read and Accepted and]

*Resolved* that the Sum of Thirty one Pounds eight shillings & six pence be allowed & paid out of the publick Treasury to the Accomptant John Wheelwright Esq<sup>r</sup> in full Discharge thereof. [*Passed June 15.*]

## CHAPTER 32.

RESOLVE ALLOWING £20. 17 TO CHAR. CHURCH ESQ<sup>R</sup>.

A PETITION of Charles Church Esq<sup>r</sup> Sheriff of the County of Bristol, Shewing that in the Month of May 1721, Pursuant to a Warrant from the Clerks of the Peace for the said County, he impressed twelve Men & Horses & proceeded to Tarpaulin Cove to take into his Custody a certain Ship brought in there by Cpt. Benjamin Norton, the Charge whereof (Amounting to the Sum of £23. 9) is contained in the annexed Accompt, Praying that the said Sum may be allowed to him out of the publick Treasury.

Legislative  
Records of the  
Council, xiii.,  
338.

House Jour-  
nal, p. 27.

Read [and Accepted] & .

*Resolved* that the Sum of Twenty Pounds seventeen shillings be allowed & paid out of the publick Treasury to the Petitioner Charles Church Esq<sup>r</sup> in full Discharge of the said Services. [*Passed June 15.*]

## CHAPTER 33.

## ORDER IMPOWERING JOHN QUINCY ESQ TO ACT AS GUARDIAN OF THE PUNCAPAUG INDIANS.

A PETITION of Amos Ahanton & other Indian Inhabitants of Puncapaug, Praying that John Quincy Esq<sup>r</sup> may be fully authorized & impowered to take Care of them & of their Interest & to protect them from being injured & imposed upon by their Neighbours, & to regulate & manage their Estates for Reasons mentioned in the Petition.<sup>1</sup>

Legislative  
Records of the  
Council, xiii.,  
339. Mass.  
Archives,  
xxxi., 143.

House Jour-  
nal, p. 36.

Read &

*Ordered* that the Prayer of this Petition be so far granted as that John Quincy Esq<sup>r</sup> be & hereby is fully Authorized & Impowered as a Guardian or Overseer of the Indians of Puncapaug to take Care of their Estates & Interests & to prosecute such as may commit any Trespasses on their Lands. [*Passed June 16.*]<sup>2</sup>

## CHAPTER 34.

ORDER FOR ADJOURNING THE COURTS IN THE COUNTY OF PLYM<sup>O</sup>.

WHEREAS the Court of General Sessions of the Peace & Inferior Court of Common Pleas are by Law appointed to be held & kept at Plymouth within & for the County of Plymouth on the third Tuesday of June Currant, And several of the Members of the said Courts & others concerned are Members of this Court;

Legislative  
Records of the  
Council, xiii.,  
340.

House Jour-  
nal, p. 34.

Province  
Laws, i., 284;  
369, chap. 2.

*Ordered* that, in Consideration of the present Sitting of the General Court, the Justices of the said Courts are directed to adjourn the said Courts to the third Tuesday in July next; Any Law, Usage or Custom to the Contrary Notwithstanding. [*Passed June 16.*]

<sup>1</sup> "That whereas some of our english Neighbours are too ready to Ineroach upon our Timber, and our wood, cutting it down to make coal with, and damnnifying us greatly thereby." — Mass. Archives, xxxi., 143.

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 15.

## CHAPTER 35.

ORDER IMPOWERING THOMAS BARDEN TO FILE REASONS FOR AN APPEAL FROM A JUDGEMENT ON A BOND, NOTWITHSTANDING THE DEATH OF HIS CODEFENDANT NATHANIEL JOSLYN; IN DEFAULT OF PROSECUTING HIS APPEAL COMPLAINT TO BE ALLOWED BY THE PLAINTIFF.

Legislative  
Records of the  
Council, xiii.,  
257, 349.

House Jour-  
nal, p. 31.

A PETITION of Thomas Barden of Scituate in the County of Plymouth, Shewing that at the Inferior Court for the said County held in June last he put in Suit a Bond of Nathaniel Joslyn of Scituate & Josiah Foster of Pembroke & recovered Judgement against them for £50. 15 Debt & £3. 13 Costs of Suit, From which Judgement the Defendants appealed to the next Superior Court for the said County; Since which Nathaniel Joslyn one of the Apellants is deceased, so that the Petitioner has lost the Benefit of his Judgement & Costs. Praying that he may be empowered by an Order of this Court to take his Bond out of the Clerks Office of the Inferiour Court & put it in Suit a new.

Read &

*Ordered* that the Defendant Josiah Foster be empowered to file his Reasons of Appeal from the Judgement of the Inferior Court within mentioned to the next Superior Court of Judicature to be held at Plymouth within & for the County of Plymouth, And the Justices of the said Superior Court are hereby empowered & directed to Hear & Try the same, And that no Advantage be taken against the said Josiah Foster by reason of the Death of the said Joselyn; And in Case the said Josiah Foster should not see Cause to prosecute the said Appeal, then it shall be lawful for the Petitioner Thomas Barden to file a Complaint against the said Josiah Foster for not Prosecuting the said Appeal, at the Superior Court of Judicature next to be holden at Plymouth within & for the County of Plymouth. And the Justices of the said Court are hereby empowered & directed to hear the said Complaint, enter up Judgem<sup>t</sup> & award Execution against the said Josiah Foster accordingly; And the Petitioner is Ordered to serve the said Josiah Foster with a Copy of this Petition & Order thirty Days at least before the Sitting of the said Court; Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed June 16.*]

## CHAPTER 36.

RESOLVE ALLOWING £15 TO JOS. DIMMOCK.

Legislative  
Records of the  
Council, xiii.,  
341.

House Jour-  
nal, p. 33.  
Province  
Laws, x., 702,  
chap. 352.

A PETITION of Lient. Joseph Dimmock of Barnstable. Setting forth his thankful Acknowledgem<sup>t</sup> of the Favour of this Court in the Grants made to him in Consideration of his Wounds received from the Indian Enemy at Norridgewock, that he is still much disabled from labouring for the support of him self & Family by reason of the said Wounds, so that he is in great Straits & Difficulties. Praying the further compassionate Consideration of this Court & that something may be allowed him for his Relief.

Read [and Accepted] &

*Resolved* that the Sum of Fifteen Pounds be allowed & paid out of the publick Treasury to the Petitioner Joseph Dimmock in full of the Loss of Time & Misfortunes he has sustained by reason of the Wounds within mentioned. [*Passed June 16.*]



## CHAPTER 37.

ORDER APPOINTING TRUSTEES FOR M<sup>r</sup> ELLIOTS LEGACY TO JAMAICA PLAIN SCHOOL.

A MEMORIAL of Joseph Weld of Roxbury Yeoman, Shewing that the Rev<sup>d</sup> M<sup>r</sup> John Elliot of Roxbury, by his Deed duly executed and recorded, bearing Date the 10<sup>th</sup> Day of July 1689, granted & bestowed on the School at Jamaica Plain in the said Town several Pieces of Land to be improved for the Advantage of the Children in that Part of the Town, & accordingly nominated & appointed the Memorialists Father with sundry others of Roxbury and their Heirs Male, Trustees to manage the said Lands for the Purposes aforesaid; But so it is that there now remain none of the Trustees nor their Heirs alive, Excepting the Memorialist that can manage the said Trust; And therefore Praying that this Court would please to appoint three other Persons to join with him in the said Trust, & that they may be fully impowered to fill up any Vacancy that may from Time to Time happen among them by Death or in any other Way.

Read and

*Ordered* That the prayer of this Memorial be granted, and that Nathaniel Brewer Jun<sup>r</sup> Caleb Stedman and John Weld Jun<sup>r</sup> be Joyned with the Memorialist to whom the Trust within Mentioned is Committed to all Intents & purposes according to the true Meaning of the Donor, and that the aforesaid, Trustees or the Major part of them have power to fill up any Vacancy that may happen among them by Death or otherwise any thing in the aforementioned Deed or Grant of the Rev<sup>d</sup> M<sup>r</sup> John Eliot Deceased or any Law Usage or Custom to the Contrary Notwithstanding. [*Passed June 16.*]

Legislative  
Records of the  
Council, xlii.,  
343. Mass.  
Archives,  
lviii., 291.

Mass.  
Archives,  
lviii., 290.  
House Jour-  
nal, pp. 31, 32.

## CHAPTER 38.

## RESOLVE ABATING £10 OF THE TAX TO THE TOWN OF MIDDLEBORO.

A MEMORIAL of the Select Men of the Town of Middleborough in behalf of the said Town, Setting forth that they have laboured under the afflictive Hand of God the Year past in a very grievous Sickness, by which great Numbers among them have been carried off, & most of the Survivors visited therewith, & so weaken'd & disabled, that they have not been capable of following their Business for a considerable Time, so that their Husbandry has been neglected & the People greatly impoverished, And therefore Praying the compassionate Consideration of this Court that they receive such Bounty & Charity as other Places in the like Distress have done.

Read again<sup>1</sup> and the House having taken the late Distressed State of the Town of Middleborough into Serious Consideration for their Relief

*Resolved* That the Sum of Forty pounds be Abated out of the Tax for this present year to the Town of Middleborough, and that the Assessors of that Town deduct the same from those persons and those only in the Constables Rate Bills as are poor and have been Afflicted with the late Distressing Sickness in that Town According to their best Discretion. [*Passed June 16.*]

Legislative  
Records of the  
Council, xlii.,  
343. Mass.  
Archives,  
cxiii., 692.

Mass.  
Archives,  
cxiii., 691.  
House Jour-  
nal, p. 58  
(December,  
1726); p. 35.  
Province  
Laws, li., 441.

<sup>1</sup> First read in December, 1726, and then referred to the next May session.

## CHAPTER 39.

ORDER ON JOHN CRISDES PETITION VACATING A JUDGMENT AND ORDERING EXECUTION IN FAVOR OF THE PETITIONER FOR £78. 4. 2, DUE ON CROSS JUDGMENTS.

Legislative  
Records of the  
Council, xiii.,  
344.

Legislative  
Records of the  
Council, xiii.,  
331. House  
Journal, pp.  
40, 41.

IT APPEARS that the Petitioner John Crisde is possessed of a Judgement & Execution against the Estate of Samuel Banister (by Assignm<sup>t</sup> from John Gaud) for the Sum of Thirty five Pounds eight shillings & two pence, & an other Judgement & Execution thereupon against the Estate of Sarah Banister Dec<sup>d</sup> in the Hands of the said Samuel Banister (as the Petitioner is Administ<sup>r</sup> to the Estate of Thomas Banister a Minor Dec<sup>d</sup>) for the Sum of Ninety eight Pounds two shillings & three pence; Amounting in the Whole to One Hundred & thirty three Pounds ten shillings & five pence; And that M<sup>rs</sup> Frances Banister (as Attorney to the above mentioned Samuel Banister) has recovered Judgement against the said John Crisde for the Sum of Fifty five Pounds six shillings & three pence, & no more, And Execution thereupon has been issued & the Petitioners Body being taken in Execution, he has given Security to satisfy the same; so that the Ballance of the said several Judgements is Seventy eight Pounds four shillings & two pence, due from the said Samuel Banister to the Petitioner; Therefore

*Ordered* that the Judgement of the Superior Court of Judicature given for the said Samuel Banister against the Petition<sup>r</sup> for Fifty five Pounds six shillings & three pence be & hereby is Vacated & rendered Null & Void, & that the Sheriff of the County of Suffolk forthwith discharge the Petition<sup>rs</sup> Security for satisfying the Execution issued thereon;

And further

*Ordered* that the abovesaid Sum of Fifty Pounds six shillings & three pence be struck off from the Judgements obtained by the Petitioner against the said Samuel Banister as abovesaid, And that Execution be issued against the Estate of the said Samuel Banister for Seventy eight Pounds four shillings and two pence (which is the just Ballance of the said several Judgements) Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed June 17.*]

## CHAPTER 40.

ORDER DISCHARGING STEPHEN BARKER & DAN<sup>ll</sup> BODWELL OF ME-  
THUEN FROM CONTEMPT OF THIS COURT, AND DIRECTING REMOVAL  
OF A MEETING HOUSE.

Legislative  
Records of the  
Council, xiii.,  
345.

House Jour-  
nal, p. 39.  
*Ante*, p. 141,  
chap. 19.

ON THE PETITION of Dan<sup>ll</sup> Bodwell & Stephen Barker [*ante*, p. 141, chap. 19]

This Petition being Yesterday read together with the Answer of Asa Swan, Thomas Whittier, John Bailey Select men, William Whittier Clerk, Robert Swan Moderator of the Town Meeting & James Davis the other Moderator, And the Parties being heard at the Board,

It appears that the said Select men &c were guilty of a great Offence in disobeying & opposing the Order of this Court respecting the Place for setting their Meeting house on; But for as much as the said Asa Swan and the others above mentioned, by their Petition prefer'd this Morning, have humbly acknowledged their Offence & ask'd Forgiveness of this Court, and promised a punctual Obedience to their Order; And it appearing that their Misconduct in this Affair was in a great Measure owing to their Ignorance,

*Ordered* that their said Confession & Submission be Accepted and that they be dismiss'd in Expectation of their dutiful Behaviour for the Time to come, And further

*Ordered* that the Inhabitants of the said Town of Methuen forthwith proceed to remove the Frame of the Meeting house to the Place appointed by this Court at their last Session, And that they cover & finish the Meeting House without Delay, And that the particular Charge of the Petitioners, Stephen Barker & Daniel Bodwell occasioned by this Application be added to the Rate of the Town of Methuen & reimbursed to the Petitioners; M<sup>r</sup> Justice White, & M<sup>r</sup> Justice Saltonstall of Haverhill having first examined & allowed the same. [*Passed June 17.*]

## CHAPTER 41.

### ORDER GRANTING CPT. JOS. BROWN 100 ACRES OF LAND.

A PETITION of Cpt. Joseph Brown, Shewing that at the last Session of this Court he prefer'd his Petition, setting forth the particular Services he has done in the Defence of his Country in the War against the French, & that by the Hardships he then endured he is now rendered a Cripple & not able to support him self; Upon which Petition a Vote pass'd the House of Represent<sup>ves</sup> for granting him One Hundred Acres of Land, of the unappropriated Lands of the Province, Which Vote the Board were pleased to Non Concur, Praying a Re-Consideration of the said Matter, & that this Court would please to grant him One Hundred Acres of Land for his said Services.

Legislative  
Records of the  
Council, xiii.,  
338, 346.

Legislative  
Records of the  
Council, xiii.,  
250. House  
Journal, p. 35.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petition<sup>r</sup> be allowed & empowered by a Survey<sup>r</sup> & Chain men on Oath to survey & lay out One Hundred Acres of the unappropriated Land of this Province & to return a Plat thereof to this Court within twelve Months for Confirmation, in Consideration of the Services done by the Petition<sup>r</sup> for the Province. [*Passed June 17.*]

## CHAPTER 42.

### ORDER REFERRING TO THE NEXT SESSION THE PETITION OF NICHOLS AND ISAAC OLDHAM.

A PETITION of Abraham Booth of Pembroke, Shewing that the Petition of Nathaniel Nichols & Isaac Oldham was served upon him by a Copys being left at his House while he was abroad, so that he was not apprized of it till the Day appointed for giving in his Answer And for as much he has many material Things to alledge against the Prayer of the said Petition, & can not presently furnish him self with the Evidences & Records necessary for his Defence, Therefore Praying that the Matter may be continued over to the next Sessions of this Court.

Legislative  
Records of the  
Council, xiii.,  
346.

House Jour-  
nal, p. 23.  
*Ante*, p. 125,  
chap. 336.

Read &

*Ordered* that the Consideration of the Petition of Isaac Oldham & Nathaniel Nichols be refer'd to the first Fryday of the next Session of this Court. [*Passed June 17.*]

## CHAPTER 43.

## RESOLVE ALLOWING PAYMENT OF THE MUSTER ROLL OF THE GARRISON AT FORT DUMMER.

Legislative  
Records of the  
Council, xiii.,  
347.

House Jour-  
nal, p. 37.

A MUSTER ROLL of the Garrison late in His Majestys Service at Fort Dummer under the Command of Cpt. Timothy Dwight, Containing an Account of Wages due to them for their said Service from Decem<sup>r</sup> 1<sup>st</sup> to Jan<sup>r</sup> 8<sup>th</sup> 1726, Amounting to the Sum of £19. 5. 7 together with the Subsistence of the said Men the said Time, Amounting to £26. 0. 11.

[Read and Accepted and]

*Resolved* that the Sum of Forty five Pounds six shillings & six pence be allowed & paid out of the publick Treasury to Cpt. Timothy Dwight, to be by him repaid to the Persons to whom the same is respectively due in full Discharge of the Wages and Subsistence thereof; First deducting what has been advanced or supplied by M<sup>r</sup> Treasurer. [*Passed June 17.*]

## CHAPTER 44.

RESOLVE ALLOWING £4 TO CPT. TIM<sup>r</sup> DWIGHT.

Legislative  
Records of the  
Council, xiii.,  
347.

House Jour-  
nal, pp. 37, 38.

AN ACCOUNT presented by Cpt. Timothy Dwight of Fire Wood supplied the Garrison at Fort Dummer together with his Time & Expence in riding Express for the Service of the Governm<sup>t</sup> Amounting to the Sum of £5. 5.

[Read and Accepted, and]

*Resolved* that the Sum of Four Pounds be allowed and paid out of the publick Treasury to Cpt. Timothy Dwight in full Discharge of the said Account. [*Passed June 17.*]

## CHAPTER 45.

## VOTE FOR SUBSISTING THE INDIANS ON KENNEBECK RIVER.

Legislative  
Records of the  
Council, xiii.,  
346. Mass.  
Archives,  
xxxi., 146.

Legislative  
Records of the  
Council, xiii.,  
346. House  
Journal, p. 42.

*Resolved* That M<sup>r</sup> Treasurer Allen be and hereby is directed to Send asuitable<sup>1</sup> Supply of provisions for the present Subsistence of the Indians now Assembled at Kennebeck River near Richmond Fort asum<sup>1</sup> not exceeding Three hundred pounds, and that the Treasurer make what Dispatch may be in Sending the Same to Cap<sup>t</sup> Joseph Heath at Richmond Fort Who is hereby impowred to distribute the Same according to his best Discretion either by Selling or giving it as Occasion may be and agreeable to His Honour the L<sup>t</sup> Gov<sup>rs</sup> Order.<sup>2</sup> [*Passed June 19.*<sup>3</sup>]

<sup>1</sup> Words run together in the MS.

<sup>2</sup> This resolve is not found in the House Journal, but the Lieut. Governor's Message requesting the arrangement is found on p. 42, House Journal, 1727.

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 17.

## CHAPTER 46.

ORDER APPOINTING A COMMITTEE TO SURVEY LAND FOR RICH,  
WATERS & ELLIOT.

A PETITION of Samuel Rich, Richard Waters & Jonathan Elliot Shewing that they dwell on Part of a Farm called Munchaug Farm which was lately laid to Sutton, Contiguous to which is a Piece of Countrey Land adjoining to Munchaug Pond of the Contents (as the Petitioners suppose) of One Hundred & fifty Acres (most of which is rough Land) Which lies convenient for the Petitioners & no other Person; And therefore Praying a Grant of said Piece of Land upon reasonable Terms (to accomodate them for Wood Land) And that some proper Persons may be appointed to survey the same, and return to this Court the true Contents thereof.

Read and

*Ordered* That Majer John Chandler M<sup>r</sup> John Browne be a Committee to Survey the said Land and report to this Court at the Fall Session what the Value thereof may be in their Opinion. [*Passed June 19.*]

Legislative  
Records of the  
Council, xiii.,  
348. Mass.  
Archives,  
xlii., 23.

Mass.  
Archives,  
xlii., 22.  
House Jour-  
nal, p. 41.  
Province  
Laws, x., 318,  
chap. 82.

## CHAPTER 47.

ORDER ON BRIMFIELD COMM<sup>TEES</sup> PETITION FOR A RE-SURVEY OF LAND.

ON THE PETITION of the Committee for Brimfield [*ante*, p. 127, chap. 341]

In the House of Represent<sup>ves</sup> Read together with the Answer to the said Petition & the Reply to the said Answer; And the same being duly considered;

*Ordered* that Coll. William Dudley & Major Thomas Tilestone with such as shall be joined by the Hon<sup>ble</sup> Board be a Committee to repair to the Town of Brimfield, & view the Lands surveyed & laid out to the late Hon<sup>ble</sup> Wait Winthrop Esq<sup>r</sup> & report their Opinion as soon as may be, Whether it may be convenient That a Reform of the said Survey should be made; And if it should be thought convenient, that a Reform of the said Survey should be made, that an Equivalent in Lands lying & being in the Township of Brimfield & adjoining to the Remainder of the Lands within the aforesaid Survey be made to the Heirs of the said Hon<sup>ble</sup> Wait Winthrop Esq<sup>r</sup> Deceased.

In Council; Read & Concur'd, And John Stoddard Esq<sup>r</sup> is joined with the Committee of the House in the Affair aboves<sup>d</sup>. [*Passed June 19.*]

Legislative  
Records of the  
Council, xiii.,  
349.

House Jour-  
nal, p. 43.  
*Ante*, p. 127,  
chap. 341.

## CHAPTER 48.

## RESOLVE ALLOWING £13. 17. 10 TO MAJOR CHANDLER &amp; MAJOR LEONARD.

AN ACCOMPT presented by Major John Chandler & Major George Leonard a Committee appointed by the General Court to apply to the Governm<sup>t</sup> of Connecticut for a Confirmation of Five Hundred Acres of Land belonging to this Province, formerly granted to M<sup>r</sup> John Collins, of their Time & Expence in the said Affair, Amounting to the Sum of £13. 17. 10.

[Read and]

Legislative  
Records of the  
Council, xiii.,  
349.

House Jour-  
nal, p. 38.  
*Ante*, p. 110,  
chap. 289.

*Resolved* that the Sum of Thirteen Pounds seventeen shillings and ten pence be allowed & paid out of the publick Treasury to the Accountants to whom the same is respectively due in full Discharge thereof. [*Passed June 19.*]

## CHAPTER 49.

ORDER IMPOWERING EDW<sup>d</sup> WHITE W<sup>m</sup> PAYNE & JN<sup>o</sup> WINCHESTER GUARDIANS, TO SELL LANDS OF MINORS.

Legislative  
Records of the  
Council, xiii.,  
349.

House Jour-  
nal, pp. 43, 44.  
*Ante*, p. 126,  
chap. 338.

A PETITION of Edward White Guardian to the Children of Benjamin White Dec<sup>d</sup> William Payne Guardian to the Children of Hannah his late Wife Dec<sup>d</sup> & John Winchester Guardian to two of the Children (yet in their Minority) of Sarah his late Wife Dec<sup>d</sup> Which said Benjamin White Sarah Winchester & Hannah Payne were Brother & Sisters of John White late of Boston Gent. Dec<sup>d</sup> Shewing that the said John White died seized in Fee & Intestate of One Quarter Part of a Tract of Land lying in Common & Undivided in the Westerly Parts of this Province commonly called the Equivalent Lands, that there is a Number of Persons very desirous of purchasing Part thereof of the Petitioners & the other Owners and Proprietors in Order to obtain the Grant of a Township, Which will very much accomodate the Interest of the Petitioners & the other Proprietors & very much advantage the said Minors, That unless some Part of the said Lands be sold for the Purposes above mentioned, there will be no Improvem<sup>t</sup> made thereof, And for as much as the other Heirs of the said M<sup>r</sup> White intend to make Sale of Part of their Right in the said Lands for the Ends afore said, therefore Praying in behalf of the said Minors that this Court would be pleased to authorize & empower the Petitioners in their Capacity aforesaid to make Sale of one Half Part of the Right & Interest of the said Minors or so much thereof as will accomodate the Persons minded to purchase the same for a Township, & to join with the other Owners in making such Sale, & to pass & execute good Deeds & Conveyances in the Law for selling & confirming the Right & Interest of the said Children therein accordingly, their Minority Notwithstanding, the Petitioners to accompt for the Produce thereof to the Judge of Probate, unto whom they have already given sufficient Bonds with good Security to be answerable for all such Estate of the said Minors as shall come to their Hands.

Read &

*Ordered* that the Prayer of this Petition be granted, Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed June 19.*]

## CHAPTER 50.

RESOLVE ALLOWING £12 TO RICH<sup>d</sup> CUTT, AND A FURTHER SUM OF £14.

Legislative  
Records of the  
Council, xiii.,  
350, Mass.  
Archives,  
Ixxii., 276.

Mass.  
Archives,  
Ixxii., 274.  
House Jour-  
nal, p. 38.

A PETITION of Richard Cutt of Kittery, Shewing that in the Year 1724, he went out as a Volun<sup>t</sup>ier in Pursuit of the Indian Enemy on the Sea Coast Eastward under the Command of D<sup>r</sup> George Jackson & in the Engagement he received a grievous Wound, that in the Year 1725, this Court were pleased to allow him Eighteen Pounds to pay D<sup>r</sup> Jacksons Accompt of Attendance & Medicines, whereas he actually paid the Doctor Thirty Pounds, that the Petition<sup>r</sup> is by his Wound

rendered unable to labour for his Support, Therefore Praying that this Court would grant him the Sum of Twelve Pounds to reimburse him what he has paid Dr Jackson, & grant him such other Allowance for his Support, as in their great Wisdom and Goodness they shall see meet.

Read and Accepted and

*Resolved* That the sum of Twelve pounds be allowed and paid out of the publick Treasury to the petitioner Richard Cutt to Enable him to pay the Doctor for the Cure of his Wound, and that the further sum of Fourteen pounds be allowed and paid out of the publick Treasury to the petitioner in Consideration of his Loss of Time &c occasioned by said Wound from November 1725. [*Passed June 19.*]

Province  
Laws, N. 668,  
chap. 255.  
*Ante*, p. 21,  
chap. 42.

## CHAPTER 51.

RESOLVE ALLOWING LIEUT. JOHN LARRABEE 6<sup>d</sup> PER WEEK PER MAN FOR VICTUALLING THE GARRISON AT CASTLE WILLIAM.

A PETITION of John Larrabee Victualler of the Garrison at His Majestys Castle William Shewing that the last Establishm<sup>t</sup> made by the General Assembly for Victualling the said Garrison falls short of the Prices the Petitioner is obliged to give for Provisions besides his Trouble, so that he is like to be a great Loser unless he may have Relief from this Court, Therefore Praying some additional Allowance for his Victualling the said Garrison the last Half Year & so for the Future

Read and Accepted and

*Resolved* That the pay for Victualling the said Garrison for the Six Months within mentioned be advanced Six pence *p* week, which will raise it to Eight shillings *p* week *p* man, and that the petitioner be allowed to Charge thesame in the next Account Accordingly. [*Passed June 19.*]

Legislative  
Records of the  
Council, xiii.,  
351. Mass.  
Archives,  
lxxii., 281.

Mass.  
Archives,  
lxxii., 280.  
House Jour-  
nal, p. 39.  
*Ante*, p. 21,  
chap. 43.

## CHAPTER 52.

RESOLVE DIRECTING THE TREASURER TO ACCOUNT FOR £4,091. 15. 10 BEING THE BALANCE OF THE INDIAN TRADE.

SEVERAL ACCOMPTS presented by Jeremiah Allen Esq<sup>r</sup> Treasurer, referring to the Indian Trade; viz, An Accompt of sundry Sorts of Goods bought for the Indian Trade, An Accompt of Peltry received for the Province from M<sup>r</sup> Edmund Mountforth & Cpt. Joseph Heath per Cpt. Saunders, And an Accompt for the said Trade; Ballance whereof in his Hands is the Sum of £4,091. 15. 10.

Read & Accepted &

*Resolved* that the Ballance of the within Accompt, being Four Thousand ninety one Pounds fifteen shillings & ten pence the Treasurer is further to Accompt for. [*Passed June 19.*]

Legislative  
Records of the  
Council, xiii.,  
351.

House Jour-  
nal, p. 17.

## CHAPTER 53.

RESOLVE DECLARING THAT THE DOOR KEEP<sup>r</sup> OF THE COURT IS EXEMPT FROM ARREST &c.

Legislative  
Records of the  
Council, xiii.,  
352. Mass.  
Archives,  
xlviii., 450.

House Jour-  
nal, p. 45.  
Province  
Laws, i., 88,  
chap. 38; 108.

THE FOLLOWING QUESTION was put upon the last Clause or Enacting Paragraph of the Act Entitled An Act for Ascertaining the Number & regulating the House of Represent<sup>ves</sup> made in the fourth Year of the Reign of the late King William & Queen Mary

Whether by the said Clause or Paragraph the Door Keeper of this Court & Messenger of the House of Represent<sup>ves</sup> During the Time of the sitting of the Court is freed & exempted from any Arrest, Suit, Imprisonment or being any ways molested &c, As any Member of the General Assemblys Servant is during the Time of their Session?

*Resolved* in the Affirmative and That the Law ought so to be understood. [*Passed June 20.*]

## CHAPTER 54.

ORDER IMPOWERING ELIS<sup>a</sup> WOOD TO EXECUTE A DEED OF PARTITION.

Legislative  
Records of the  
Council, xiii.,  
353.

Mass.  
Archives,  
xvii., 441.  
House Jour-  
nal, pp. 40, 46.  
Province  
Laws, ix., 639,  
chap. 129.

A PETITION of Elisabeth Wood Administ<sup>r</sup> of the Estate of Cpt. John Wood late of Hopkinton Dec<sup>d</sup> Intestate, Shewing that her Husband the said John Wood in his Life Time purchased, in Partnership with one Elnathan Allen, a certain Parcel of Cedar Swamp & Upland adjoining, lying between Marlborô & Sherburn commonly called Whitehall Farm, of Joseph Buckminster Esq<sup>r</sup> which they held in Common, That the Petitioners said Husband before his Death had agreed with his Partner Allen upon a Division of the said Land, to be holden in Severalty by them & their respective Heirs & Assigns; Which Division the said Allen as well as the Petition<sup>r</sup> is willing to abide by; But for as much as the Deeds were not finished & executed in the Life Time of the Petition<sup>rs</sup> Husband; Therefore Praying that by an Order of this Court she may be empowered to perfect the said Division & execute a good & lawful Deed of Partition accordingly.

Read &

*Ordered* that the Prayer of the Petition be granted; And the Petitioner is hereby enabled & empowered to execute the Deed of Partition according to her Husbands Agreement with the said Allen, upon his Executing the Deed on his Part in Order for holding the within mentioned Premises in Severalty; Viz, to the said Elnathan Allen & his Heirs & Assigns, & to the Heirs of the said John Wood; Any Law, Usage or Custom to the Contrary Notwithstanding. [*Passed June 20.*]

## CHAPTER 55.

ORDER IMPOWERING M<sup>rs</sup> ANN MARSH TO SELL HOUSE & LANDS AND APPOINTING TRUSTEES THEREFOR.

Legislative  
Records of the  
Council, xiii.,  
354.

A PETITION of M<sup>rs</sup> Ann Marsh Widow of M<sup>r</sup> Joseph Marsh late of Brantrey Clerk Dec<sup>d</sup> & Administ<sup>r</sup> of his Estate, Shewing that her said Husband died seized of two Thirds of a Dwelling House & about six



Acres of Land thereto belonging, & of the Whole of two other Parcels of Land, partly Wood Land & partly Meadow containing about seventeen Acres; Which House & Lands will yield a very small yearly Rent, but may be sold for a very considerable Sum of Money; The Interest whereof would go much further in the Support of the Petition<sup>r</sup> & her Children than the Rent would do, That the said Dwelling house is much out of Repair, & the Deceased left but a small Personal Estate, not sufficient for the said Repairs after his Debts are paid, And it not being probable that either of his Sons will settle in the said Town of Brantrey, Therefore Praying that the Petitioner as Administ<sup>r</sup> as aforesaid may be empowered to make Sale of the said House & Lands, some suitable Persons to be joined with her herein, And that the Produce thereof may be lodged in the Hands of such Persons as Trustees for her & her Children; One Third of the Interest thereof to be for the Petitioners Benefit, & the remaining two Thirds for her Children as the Law directs, & the Whole after the Petitioners Death to be divided among her Children by the said M<sup>r</sup> Marsh, as the Law directs.

Read &

*Ordered* that the Prayer of the Petition be granted, And that Edmund Quincy & John Quincy Esq<sup>rs</sup> & M<sup>r</sup> Ezekiel Lewis (or any two of them) be empowered to join with the Petitioner in selling the said two Thirds of the House & six Acres of Land & the Whole of the other Land aforementioned, & to act as Trustees for receiving & disposing of the Money to be produced by the Sale of the said House & Land in such Manner as is proposed in the Petition. [*Passed June 21.*]

House Jour.  
nal, p. 48.

## CHAPTER 56.

### ORDER FOR ADJOURNING THE COURTS IN ESSEX.

IN THE HOUSE OF REPRESENT<sup>IVES</sup> Whereas the Court of General Sessions of the Peace & Inferiour Court of Common Pleas for the County of Essex are by Law appointed to be Held & Kept at Salem within & for the said County of Essex on the last Tuesday of June Currant, And several of the Justices of the said Court & others concern'd are Members of this Court;

*Ordered* that, in Consideration of the present Sitting of the Great and General Court, the said Justices are hereby directed to adjourn the said Courts to the Third Tuesday of July next; Any Law, Usage or Custom to the Contrary Notwithstanding.

In Council; Read & Concur'd. [*Passed June 21.*]

Legislative  
Records of the  
Council, xlii.,  
355.  
Mass.  
Archives, xli.,  
18. House  
Journal, p. 46.  
Province  
Laws, i., 284;  
369, chap. 2.

## CHAPTER 57.

### RESOLVE ALLOWING £5 TO AND. ANDERSON.

A PETITION of Andrew Anderson<sup>1</sup> Mariner, Shewing that he was in the Service of this Province on board the Sloop Dragon to attend His Honour the Lieutenant Governor to the Ratification of the Peace at Falmouth, & upon his Return, Coming up the Harbour of Boston in Firing a great Gun, he had the Thumb of his Right Hand shot off; Thankfully acknowledging the Bounty of the Court in what they have already allowed, And for as much as he is not yet restored to a Capac-

Legislative  
Records of the  
Council, xlii.,  
355. Mass.  
Archives,  
lxvii., 289.  
Mass.  
Archives,  
lxvii., 287.  
House Jour.

<sup>1</sup> "Andross," *ante*, p. 57, chap. 145.

nal, pp. 22, 48.  
*Ante*, p. 51,  
 chap. 129; p. 94,  
 chap. 247.

ity to do much towards his Support. Therefore Praying for such further Relief as this Court in their great Wisdom & Goodness shall judge meet.

Read and Accepted and

*Resolved* That the Sum of Five pounds be allowed and paid out of the publick Treasury to the petitioner Andrew Anderson in Consideration of and in full for his Loss of Time. [*Passed June 21.*]

## CHAPTER 58.

### ORDER OF NOTICE ON JOHN CRISDES SECOND PETITION FOR REPAYMENT TO HIM OF £19.

Legislative  
 Records of the  
 Council, xiii.,  
 356. Mass.  
 Archives, xli.,  
 21.

Mass.  
 Archives, xli.,  
 19, 23. House  
 Journal, p. 50.  
*Ante*, p. 150,  
 chap. 39.

A PETITION of John Crisde of Boston Gardner, Shewing that Pursuant to the Order of this Court on his former Petition, he applied himself to Edward Winslow Esq<sup>r</sup> Sheriff of the County of Suffolk, Shewing the Order of the Court for his delivering up the Security he had deposited in his Hands for his answering the Execution taken out by M<sup>rs</sup> Banister, & that the said Sheriff informed him that in May last he had paid to John Read Esq<sup>r</sup> M<sup>rs</sup> Banisters Attorney the Sum of Nineteen Pounds in Province Bills which was Part of the Security, Complaining of the Proceedings of the said John Read against him, which he suggests are unfair & unreasonable, And Praying that this Court would Order him to pay back the said Nineteen Pounds to the Petitioner.

Read &

*Ordered* that the Petitioner serve John Read Esq<sup>r</sup> with a Copy of the Petition that so he give Answer thereto (If he thinks fit) on Fryday next at ten a Clock in the Morning. [*Passed June 21.*]

## CHAPTER 59.

### RESOLVE ALLOWING £150 TO EDM<sup>d</sup> MOUNTFORTH.

Legislative  
 Records of the  
 Council, xiii.,  
 356.

House Jour-  
 nal, p. 48.

A PETITION of Edmund Mountforth, Praying an Allowance for his Service as Truck master to the Indians on S<sup>t</sup> Georges River & on the Eastern Coast from Decem<sup>r</sup> 1725, to Feby<sup>r</sup>. 1726. During which Time he endured great Hardship aboard the Sloop in which he traded in the Winter Season upon the Sea Coast & was at great Pains to make y<sup>e</sup> Indians sensible of the great Advantages they reap'd from the s<sup>d</sup> Trade.

Read [and Accepted] &

*Resolved* that the Sum of One Hundred & fifty Pounds be allowed & paid out of the publick Treasury to the Petitioner Edmund Mountforth in full of all Demands for the Services within express'd. [*Passed June 21.*]

## CHAPTER 60.

### ORDER ON THE PETITION OF DIVERS INHAB<sup>ts</sup> OF SALEM ANDOVER, TOPSFIELD & BOXFORD.

Legislative  
 Records of the  
 Council, xiii.,  
 333, 357.

House Jour-  
 nal, p. 53.

A PETITION of sundry Inhabitants of the Towns of Salem, Andover, Topsfield & Boxford, Shewing that they live at a great Distance from the Bodies of the Towns to which they respectively belong, & from the Places of publick Worship within the same, & that they are well situated

for a Township, & are a Number of Families sufficient for the same, And therefore Praying that they may be set off & constituted a separate Township within the following Boundaries; viz, Beginning at Ipswich River, where Salem Line crosseth the same, & so running downward as the River runs till it come to Salem North Easterly Line, & then running as the Line between Salem & Topsfield runs to a Brook commonly called Nichols's Brook, & then by said Brook & the North Easterly Branch thereof to Ipswich River, & thence up the River to a Meadow called Ford Meadow, & from thence on a Westerly or North Westerly Line to a certain black Oak Stump a known ranging Bound on the Line between Boxford & Andover, & from the said Stump to the North Westerly Part of Timothy Perkins's Farm in Andover, & from thence to the North Westerly Corner of Bellinghams Farm (so called) & on said Farm to the South Westerly Corner thereof, & from thence to a White Oak standing in Philps's Meadow, being a known Bound between Salem & Reading, & so on Salem Line to the Place first mentioned, Or that a Committee may be appointed to view & consider the Situation & Circumstances of the Petition<sup>rs</sup> & report to this Court their Opinion.

In Council; Read together with the Answers of the Towns of Andover; Topsfield & Boxford, And the same being duly Considered;

*Ordered* that Spencer Phips & Theophilus Burrill Esq<sup>rs</sup> with such as the Hon<sup>ble</sup> House of Represent<sup>ves</sup> shall appoint be a Committee at the Charge of the Petition<sup>rs</sup> to repair to the Lands petitioned for a Township & view the Situation of the Lands & consider & inquire into the Circumstances of the Petition<sup>rs</sup> & report to this Court at the next Fall Session, what is proper to be done thereon: In the House of Represent<sup>ves</sup> Read & Concur'd, &

*Ordered* that John Wainwright Esq<sup>r</sup> Cpt. Edward Goddard & Cpt. John Fowle be joined in the Affair. [*Passed June 22.*]

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## CHAPTER 61.

### ORDER IMPOWERING THE TREASURER TO FURNISH CASTLE WILLIAM WITH STORES.

AN INDENT of Stores necessary at His Majestys Castle William, presented by William Barnsdale Gunner of the said Castle.

Read &

*Ordered* that M<sup>r</sup> Treasurer Allen be directed to furnish & supply the said William Barnsdale with such Stores in the within Indent mentioned as are needful for His Majestys Castle William, Taking his Receipt therefor. [*Passed June 22.*]

Legislative  
Records of the  
Council, xlii.,  
355, 357.

House Jour-  
nal, p. 46.

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## CHAPTER 62.

### RESOLVE ALLOWING THE CO. TREAS<sup>r</sup> OF ESSEX, HIS ACC<sup>t</sup>.

AN ACCOMPT was presented by John Appleton Esq<sup>r</sup> Treasurer of the County of Essex for the Year 1726, W<sup>ch</sup> having been laid before the Court of General Sessions of the Peace for s<sup>d</sup> County & by them examined & allowed.

Read & Accepted &

*Ordered* that this Accompt be allowed. [*Passed June 22.*]

Legislative  
Records of the  
Council, xlii.,  
357.

House Jour-  
nal, p. 45.

## CHAPTER 63.

ORDER IMPOWERING THE SELECTMEN OF ABINGDON TO LEVY A TAX OF ONE HALF PENNY PER ACRE ON TOWNSHIP LAND.

Legislative  
Records of the  
Council, xiii.,  
360. Mass.  
Archives,  
cxiii., 709.

Mass  
Archives,  
cxiii., 708.  
House Jour-  
nal, p. 50.

A PETITION of Samuel Pool & Samuel Noyes Agents for the Town of Abingdon, Praying that the Dormant & unimproved Lands in the said Town may be subjected to a Tax of one Penny in the Acre per Annum towards the Support of the Ministry there, & also that they may have a small Piece of Province Land lying on the North East of the Farm called Waldoes Farm granted to them towards the Support of their Minister.

Read and Accepted and

*Ordered* That the prayer of the petition be so far granted as that the Select Men or assessors of the Town of Abington be and hereby are impowred to levy a Tax of One half penny p Acre p Annum on the proprietors of the unimproved Lands within the Township of Abington for the Term of Three years, the present year included towards Defreying the Charge of the Ministry in the said Town. [*Passed June 22.*]

## CHAPTER 64.

RESOLVE ALLOWING L<sup>T</sup> JOHN LARRABEE £209. 7. 7 FOR VICTUALLING THE GARRISON AT CASTLE WILLIAM, AND ADVANCING HIM £200.

Legislative  
Records of the  
Council, xiii.,  
360.

House Jour-  
nal, p. 46.  
*Aide*, p. 78,  
chap. 207.

AN ACCOUNT presented by Lieut. John Larrabee of the Charge of Victualling the Garrison at His Maj<sup>ty's</sup> Castle William from the 21<sup>st</sup> of Novem<sup>r</sup> 1726, to the 21<sup>st</sup> of May 1727, Amounting to the Sum of £409. 7. 7 Whereof £200 has been advanced to the Accomptant by Order of the General Assembly; Ballance remaining due to him is the Sum of £209. 7. 7.

Read & Accepted &

*Resolved* that M<sup>r</sup> Treasurer Allen be directed to pay to the Accomptant the Sum of Two Hundred & nine Pounds seven shillings & seven pence out of the publick Treasury, being the Ballance of this Account; And further to enable the said John Larrabee to Victual the Garrison at His Majestys Castle William according to the last Establishm<sup>t</sup>

*Resolved* that M<sup>r</sup> Treasurer Allen be & hereby is directed to pay & advance to Lieut. John Larrabee the Sum of Two Hundred Pounds for victualling the said Garrison according to the said Establishm<sup>t</sup> Taking Security from him for the true and faithful Performance thereof. [*Passed June 22.*]

## CHAPTER 65.

RESOLVE ALLOWING £44. 6. 10 TO L<sup>T</sup> JOHN LARRABEE.

Legislative  
Records of the  
Council, xiii.,  
361.

House Jour-  
nal, p. 49.

AN ACCOUNT presented by Lieut. John Larrabee of sundry necessary Repairs done at Castle William, Amounting to the Sum of £44. 6. 10.

[Read and]

*Resolved* that the Sum of Forty four Pounds six shillings & ten pence be allowed & paid out of the publick Treasury to the Accomptant John Larrabee to be by him repaid to the Persons to whom the same is respectively due in full Discharge thereof. [*Passed June 22.*]

## CHAPTER 66.

ORDER IMPOWERING JOSHUA WROE AND JONATHAN WILLIAMS  
EXECUTORS OF W<sup>m</sup> WEBSTER TO SELL LAND, TO PAY DEBTS.

A PETITION of Joshua Wroe & Jonathan Williams, Surviving Executors of the last Will & Testament of William Webster late of Boston House-wright Dec<sup>d</sup> & Mary Webster Relict Widow of the said William Webster for her self & her two Children that are Minors, Praying that they may be enabled by an Order of this Court to sell so much of the Deceaseds Estate as may be necessary to pay his Debts, & to make a Partition & Distribution thereof, as though all the Children of the Dec<sup>d</sup> were of lawful Age; Which will be much more for the Advantage of all Parties therein concerned than if the said Estate should ly in the Condition that it does at present:

Read and

*Ordered* that the petitioners be and hereby are Authorized & Impowered to Sell so much of the Real Estate of W<sup>m</sup> Webster dec<sup>d</sup> as they shall judge necessary & sufficient to pay y<sup>e</sup> debts on y<sup>e</sup> s<sup>d</sup> Estate: Provided they account with<sup>1</sup> the judge of Probate for the County of Suffolk for y<sup>e</sup> laying out the produce thereof; And in Case any thing remain of the said produce, That they give Bond to the Said judge for the Part belonging to the Minors: And further

*Ordered* That the s<sup>d</sup> Judge of Probate be Impowered & directed to appoint five Freeholders for dividing the Residue of y<sup>e</sup> Real Estate, & that he settle y<sup>e</sup> same on y<sup>e</sup> several persons Interested according to the directions of the Law in other Cases; The Minority of any of the Children, or any Law, Usage, or Custom to the Contrary Notwithstanding. [*Passed June 23.*<sup>2</sup>

Legislative  
Records of the  
Council, xiii.,  
358. Mass.  
Archives,  
xviii., 411.

Mass.  
Archives,  
xvii., 409, 412.  
House Jour-  
nal, p. 57.

## CHAPTER 67.

RESOLVE DECLARING THAT THE CARGO OF WINES OF THE "CHARMING  
JENNY" IS EXEMPT FROM IMPOST.

A MEMORIAL of Daniel Russel Esq<sup>r</sup> Commissioner & Receiver of the Duties of Impost, Shewing that Cpt. Timothy Jackson Master of the Ship Charming Jenny lately made a Report of the said Ship from White Haven, having on board One Hundred & twenty one Hogsheads or Half Pipes of Spanish Wine & no other Goods, Praying the Direction of this Court, Whether he must demand Impost on the said Wines & how much

Read & the Question was put Whether the Wines mentioned in this Memorial are exempted from Paying Duty by the Impost Act?

*Resolved* in y<sup>e</sup> Affirmative.<sup>3</sup> [*Passed June 24.*<sup>4</sup>

Legislative  
Records of the  
Council, xiii.,  
324, 362. Mass.  
Archives,  
lxiii., 450.

Mass.  
Archives,  
lxiii., 449.  
House Jour-  
nal, pp. 15, 58.

## CHAPTER 68.

## RESOLVE ALLOWING PAYMENT OF THE CASTLE WILLIAM MUSTER ROLL.

A MUSTER ROLL of the Garrison in His Majestys Service at Castle William under the Command of the Hon<sup>ble</sup> William Dummer Esq<sup>r</sup> Con-

Legislative  
Records of the  
Council, xiii.,

<sup>1</sup> MS. mutilated; but the Secretary's record supplies the word "with."

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 22.

<sup>3</sup> Both houses had previously voted in the negative; the present resolve was made upon a reconsideration.

<sup>4</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 23.

363. Mass.  
Archives,  
xci., 248.

Mass.  
Archives,  
xci., 247.  
House Jour-  
nal, p. 50.

taining an Accompt of Wages due to them for their Service from Novem<sup>r</sup> 21. 1726, to May 21. 1727, Amounting to the Sum of £542. 2. 7.

Read and Accepted and

*Resolved* That the Sum of Five Hundred Forty two pounds two shillings and Seven pence be allowed and paid out of the publick Treasury to the Honourable William Dummer Esq<sup>r</sup> the Other Officers and Soldiers born thereon respectively in full Discharge of the Wages thereof. [*Passed June 24.*]

## CHAPTER 69.

### ORDER IMPOWERING THE TREASURER TO STOP THE WAGES OF FOUR SOLDIERS.

Legislative  
Records of the  
Council, xiii.,  
363.

House Jour-  
nal, p. 55.

A MEMORIAL of Cpt. Samuel Hinkes late Commander of His Majestys Fort Mary at Winter Harbour Shewing that while he was in the Command of the said Fort, four of the Soldiers posted there received of the Memorialist more than their Wages in the Muster Roll w<sup>ch</sup> amounted to, in all to the Sum of Eight Pounds eight shillings & one peny; viz, Thomas Jones £2. 2. 7, Josiah Norton 12 , Jacob Pett, 16 6, & John Thomas £4. 17 And for as much as Cpt. James Woodside the present Commander is now about to present his Muster Roll to this Court for Allowance; Therefore Praying that so much of the Wages of the above mention'd Persons as are due to the Memorialist may be ordered to him out of the publick Treasury.

Read [and Accepted] &

*Ordered* that the Treasurer be directed to stop in the Treasury out of the Wages due to the four Persons or Soldiers within mentioned; viz, Thomas Jones, Josiah Norton, Jacob Pett & John Thomas, born on the Muster Roll of Capt. James Woodside presented to the Court in the present Session, the respective Sums set to their Names in the within Memorial until the next Session of this Court, that so the Memorialist may have an Opportunity to make out the Justice of the Charges within mentioned, the Resolve on the Muster Roll Notwithstanding. [*Passed June 24.*]

## CHAPTER 70.

### RESOLVE ALLOWING 50/ TO MESS<sup>rs</sup> WRIGHT, GUN & CHANDLER.

Legislative  
Records of the  
Council, xiii.,  
363.

House Jour-  
nal, p. 56.  
*Ante*, p. 105,  
chap. 277.

AN ACCOMPT presented by Mess<sup>rs</sup> Ebenezer Wright, John Gun and John Chandler Jun<sup>r</sup> of their Time & Expence in viewing a Piece of Province Land so called (petition'd for by John Kilburn & others in December last) by Order of the General Court)<sup>1</sup> Amounting to the Sum of £2. 10.

[Read and]

*Resolved* that the Sum of Fifty shillings be allowed & paid out of the publick Treasury to M<sup>r</sup> Ebenezer Wright, to be by him paid to the Gentlemen to whom it is due in full Discharge thereof. [*Passed June 24.*]

<sup>1</sup> *Sic*, as to parentheses.

## CHAPTER 71.

RESOLVE ALLOWING £15 TO SAM<sup>LL</sup>. GERRISH.

AN ACCOUNT presented by Samuel Gerrish Book seller of Paper, and Printing four Hundred Copies of the Rev<sup>d</sup> M<sup>r</sup> Baxters Sermon preached before the General Court or Assembly of this Province on the last Election Day, Amounting to the Sum of £15.

[Read and]

*Resolved* that the Sum of Fifteen Pounds be allowed & paid out of the publick Treasury to the Accomptant in full Discharge thereof. [*Passed June 24.*]

Legislative  
Records of the  
Council, xiii.,  
364.

House Jour-  
nal, p. 56.

## CHAPTER 72.

## RESOLVE ALLOWING £15 TO CORN. HALL.

A PETITION of Cornelius Hall, Setting forth his thankful Acknowledgement of the Favour of this Court in their Allowance made to him the last Year in Consideration of a Shot he received through his Ankle Bone while he was in His Majestys Service Eastward ; And for as much as he is entirely disabled by his said Wound from doing any thing for his Support, Therefore Praying the compassionate Consideration of this Court for some further Allowance out of the publick Treasury.

Read and Accepted and

*Resolved* That the Sum of Twenty pounds be allowed and paid out of the publick Treasury to the petitioner Cornelius Hall Viz<sup>t</sup> Four pounds for his being Omitted two Months in his Officers Roll as by Certificate Appears, and Sixteen pounds in Consideration of his Loss occasioned by the Wound mentioned in the petition. [*Passed June 24.*]

Legislative  
Records of the  
Council, xiii.,  
364. Mass.  
Archives,  
lxxii., 272.

Mass.  
Archives,  
lxxii., 271, 273.  
House Jour-  
nal, pp. 56, 57.  
*Ante*, p. 93,  
chap. 244.

## CHAPTER 73.

ORDER GRANTING ONE HUNDRED ACRES OF LAND TO CPT. RICH<sup>d</sup> BOURN.

A PETITION of Cpt. Richard Bourn, Shewing that he was Captain of one of the Companies that engaged the Indian Enemy at Norridgewock in August 1724, & has been in several other Marches in the Service of the Province wherein he has hazarded his Life & undergone considerable Hardships, besides his Expence & Trouble in enlisting Indian Volunteers to go in Quest of the Enemy, Praying that this Court in Consideration of his said Services would grant him one Hundred Acres of the unappropriated Land belonging to this Province in the County of York.

Read &

*Ordered* that the Prayer of the Petition be granted, And that the Petition<sup>r</sup> be & hereby is allowed & impowered by a Survey<sup>r</sup> & two Chain men on Oath to survey & lay out One Hundred Acres of the unappropriated Lands of this Province lying in the County of York, & return a Plat thereof to this Court within twelve Months for Confirmation. [*Passed June 26.*]

Legislative  
Records of the  
Council, xiii.,  
367.

House Jour-  
nal, pp. 49, 50.

## CHAPTER 74.

RESOLVE ALLOWING £20. 12 TO EDW<sup>D</sup> WINSLOW ESQ<sup>R</sup>.

Legislative  
Records of the  
Council, xiii.,  
368.

House Jour-  
nal, p. 54.

AN ACCOMPT presented by Edward Winslow Esq<sup>r</sup> Sheriff of the County of Suffolk, of sending into the other Counties Proclamations for a General Fast, for proroguing & Dissolving the General Assembly, for Apprehending John Pitman, Writs for calling a new Assembly, sending Expresses &c, Amounting in the Whole to the Sum of £21. [Read, and Accepted and]

*Resolved* that the Sum of Twenty Pounds & twelve shillings be allowed & paid out of the publick Treasury to the Accomptant Edward Winslow in full Discharge thereof. [*Passed June 26.*]

## CHAPTER 75.

VOTE FOR Y<sup>E</sup> TREAS<sup>RS</sup> PROVIDING FOR Y<sup>E</sup> LIEUT. GOV<sup>RS</sup> VOYAGE EASTW<sup>D</sup>.

Legislative  
Records of the  
Council, xiii.,  
369. Mass.  
Archives,  
xlviii., 452.

Legislative  
Records of the  
Council, xiii.,  
343, 346, 359, 367.  
House Jour-  
nal, p. 58.

*Resolved* That M<sup>r</sup> Treasurer be directed to waite upon His Honour the Lievtenant Gov<sup>r</sup> to know of him what Number of the Members of the Court and other Gentlemen as well as what Guard His Honour designs shall attend and waite on him at the Treaty with the Indians to be held by His Honours Direction the 10<sup>th</sup> of the next Month either at Falmouth or some where in Kennebeck River, and that the Treasurer be thereupon, and he is hereby further directed to provide and lay in the necessary & Convenient stores and supplies accordingly. [*Passed June 27.*]

## CHAPTER 76.

ORDER REFERRING TO THE NEXT SESSION OF THE COURT JOHN MOFFATS PETITION IN REGARD TO A JUDGMENT AGAINST HIM FOR TRANSPORTING A NEGRO.

Legislative  
Records of the  
Council, xiii.,  
370. Mass.  
Archives, ix.,  
188.

Mass.  
Archives, ix.,  
182, 184, 185, 187.  
House Jour-  
nal, p. 58.  
Province  
Laws, ii., 119,  
chap. 14.

A PETITION of John Moffat Mariner & formerly Master of the Ship Morehampton, Shewing that Richard Trevot of Marblehead in the County of Essex brought his Action of Debt against the Petitioner at the Inferior Court held at Salem in said County in Decem<sup>r</sup> 1725, upon an Act of this Province for preventing Persons under Age, Apprentices or Servants being transported out of the Province; for the Recovery of Fifty Pounds for the Carrying away a Negroe Man named Pompey, Slave to the said Trevot, & did accordingly recover Judgem<sup>t</sup> of the Petition<sup>r</sup> for Fifty Pounds & Costs, Setting forth his Innocency in the said Matter & his utter Ignorance of the said Negroes being aboard his Vessel till he got to Sea, & that he took all possible Care to have him returned to his Master; And therefore Praying that this Court would pass a Resolve that his Case does not fall under the Design of the said Act, And that they would Order a Stop of the Execution issued out on the said Judgem<sup>t</sup> or give him such further & other Relief, as in their great Wisdom & Goodness shall be judged meet.

Read and



*Ordered* That this petition be referred to the next Session of this Court for further Consideration, and that in the Mean Time the petitioner Serve the said Richard Trevott with a Copy of the petition that he shew Cause on the first Thursday of the said Session why the prayer thereof should not be granted, and that the Execution within referred to be stayed in the Mean time. Any Law Usage or Custom to the Contrary notwithstanding. [*Passed June 27.*]

## CHAPTER 77.

## ORDERS PASS'D AS TO CLAIMS OF EASTERN LANDS.

In Council

*Ordered* that John Wheelwright, Sam<sup>l</sup> Thaxter & John Stoddard Esq<sup>rs</sup> with such as shall be appointed by the Hon<sup>ble</sup> House of Representatives be a Com<sup>tee</sup> to Receive the several Claims, or Titles, (that may be had or Obtain'd of y<sup>e</sup> English) to y<sup>e</sup> lands in y<sup>e</sup> Eastern parts of this Province & to Repair to Falmouth at the time proposed for Meeting the Kenebeck, Wiwenock, and Aresegontacook Indians, in order to Ratify the late Treaty made with the Indians, of Penobscot for themselves, & in behalfe of the abovesaid Tribes; & that they produce the abovesaid Claims & Titles, & take care as far as possible to make out y<sup>e</sup> same to the Satisfaction of the Indians, & to distinguish & Ascertain what lands belong to y<sup>e</sup> English, in Order to the Effectual Prevention of any Contention, or Misunderstanding on that head for the future

In the House of Representatives Read and Non Concurd and

*Ordered* That a Message be Sent up to the Honourable Board to Acquaint them that the House are ready to joyn with them in the Choice of a Committee for the purposes mentioned in the within Vote provided that none of the said Com<sup>tee</sup> are interested in any Lands to the Eastward of North Yarmouth in Casco Bay

In Council; Read &

*Voted* that John Chandler Esq<sup>r</sup> be added to the Committee appointed by the Board for Receiving Claims &c, in the Room of Sam<sup>l</sup> Thaxter Esq<sup>r</sup>

And the Board insist on their Vote with that Alteration.

In the House of Representatives Read and Concurred and

*Ordered* That M<sup>r</sup> Thomas Cushing, M<sup>r</sup> Wainwright Maj<sup>r</sup> Quincy, Cap<sup>t</sup> Turner and M<sup>r</sup> shove be joyned in the Affair. [*Passed June 27.*]

Legislative  
Records of the  
Council, xiii.,  
371. Mass.  
Archives,  
xlii., 25.

House Jour-  
nal, pp. 47, 48,  
63. Province  
Laws, x., 723,  
chap. 416.  
*Ante*, p. 46,  
chap. 114;  
p. 164, chap. 75.

## CHAPTER 78.

## ORDERS ON PETITION OF THE WEST PRECINCT IN BRADFORD.

A PETITION of Jonathan Woodman in behalf of the West Precinct in the Town of Bradford, Shewing that whereas it was the Pleasure of this Court at their Session in May 1726, to erect the Eastern Part of the said Town into a separate Precinct, the Inhabitants of the said Eastern Precinct had the Benefit of assembling with them in the old Meeting House & enjoyed the Word & Ordinances for five Months after they were set off as afore said, And that they refuse to pay their Pro-

Legislative  
Records of the  
Council, xiii.,  
373. Mass.  
Archives, xi.,  
421.

Mass.  
Archives, xi.,  
420, 422 *bis*,  
423, 424. House

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 28.

Journal, p. 64.  
*Ante*, p. 40,  
 chap. 38.

portion towards the Maintenance of the Minister for the said five Months as also for three Months before their being set off, Praying that this Court would give their Directions respecting the Premises.

Read with the Answer of the East precinct of the Town of Bradford thereto, and the same being duly considered

*Ordered* That the East precinct in the Town of Bradford be and hereby are ordered and directed to pay to the West precinct in said Town their proportionable part towards the support of the Ministry therein for and until the Time the Town was divided into two precincts by this Court and no longer. [*Passed June 27.*<sup>1</sup>]

## CHAPTER 79.

### RESOLVE ALLOWING £15 TO JOSIAH JOHNSON.

Legislative  
 Records of the  
 Council, xiii.,  
 375. Mass.  
 Archives,  
 lxxii., 279.

Mass.  
 Archives,  
 lxxii., 277.  
 House Jour-  
 nal, p. 64.  
*Ante*, p. 124,  
 chap. 332.

A PETITION of Josiah Johnson, Shewing that the Wound which he received in his right Arm from the Indian Enemy at the Fight at Pig-wacket by which the Bone was broken to Pieces, is still open, so that he is rendered incapable of labouring for his Support, And (with Acknowledgem<sup>t</sup> of the Courts Favour to him in their former Grant) Praying the further Consideration of this Court for his Relief.

Read and Accepted and

*Resolved* That the sum of Fifteen pounds be allowed and paid out of the publick Treasury to the Petitioner Josiah Johnson in further Consideration of his Loss of Time Occasioned by the within mentioned Wound. [*Passed June 27.*<sup>1</sup>]

## CHAPTER 80.

### ORDER ON JOHN CRISDES PETITION.

Legislative  
 Records of the  
 Council, xiii.,  
 371. Mass.  
 Archives, xlii.,  
 21.

Mass.  
 Archives, xlii.,  
 19, 25, 26.  
 House Jour-  
 nal, p. 67.  
*Ante*, p. 158,  
 chap. 338.

[THE PETITION of John Crisde, *ante*, p. 158, chap. 58]

Read again together with the Answer of John Read Esq<sup>r</sup> & it appearing that the Sheriff of y<sup>e</sup> County of Suffolk, before he was served with the Order of this Court on y<sup>e</sup> petition<sup>rs</sup> first petition, had paid to said John Read Esq<sup>r</sup> Attorney to Sam<sup>l</sup> Banister the sum of Nineteen pounds, out of the Security given by y<sup>e</sup> petitioner to Answer the Execution taken out against him by Francis Banister the said Samuel Banisters Attorney which money the petitioner cannot recover in Law, by w<sup>ch</sup> means the ballance of y<sup>e</sup> several judgments (due to the Petitioner) is Ninety Seven pounds four shillings & two pence

Therefore

*Ordered* that the Sheriff of y<sup>e</sup> County of Suffolk Levy the Executions of the Petitioner on the Estate of Samuel Banister for the Sum of Ninety Seven pounds, four shillings & two pence, the Order of this Court on the pet<sup>rs</sup> other Petition Notwithstanding. [*Passed June 28.*]

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 28.

## CHAPTER 81.

## ORDER FOR ADJOURNING THE COURTS IN THE COUNTY OF YORK.

WHEREAS the Court of Gen<sup>l</sup> Sessions of the Peace & Inferiour Court of Common Pleas for the County of York are appointed by Law to be held at the Town of York on the first Tuesday of July next, And divers of the Justices & others concern'd in the s<sup>d</sup> Courts are Members of this Court;

*Ordered* in Consideration of y<sup>e</sup> present Sitting of the Gen<sup>l</sup> Assembly That the Justices of the s<sup>d</sup> Courts of Gen<sup>l</sup> Sessions of the Peace & Inferiour Court of Common Pleas be & hereby are Directed to Adjourn the same to the second Tuesday of August next. [*Passed June 28.*]

Legislative  
Records of the  
Council, xiii.,  
372. Mass.  
Archives, xli.,  
28.

House Jour-  
nal, p. 65.  
Province  
Laws, i., 545,  
chap. 1.

## CHAPTER 82.

## ORDER DISCHARGING PROCEEDINGS AGAINST THO. BAKER.

A PETITION of Thomas Baker of Brookfield, Setting forth that a Writ of Scire facias hath issued forth against him from the Clerks Office of the Superior Court, to shew Cause why he should not forfeit a Recognizance of £200 to His Majesty, which he gave some Time since to Samuel Patridge & Henry Dwight Esq<sup>rs</sup> two of His Majestys Justices of the Peace for the County of Hampshire; And for as much as the Prosecution against him arises from the Testimonies of divers evil minded Persons, & occasioned by some unhappy Controversies in the Town of Brookfield, Therefore Praying that he may by an Order of this Court be discharged of the said Recognizance or brought on his Trial.

[Read and]

*Ordered* that the Petitioners Recognizance be & hereby is discharged, & the Writ of Scire facias issued out against him declared Null & Void, Provided that the Petitioner appear at the next Court of Assize & General Goal Delivery to be holden at Springfield for the County of Hampshire, & abide his Trial & the Order of the said Court thereon;

And Henry Dwight & Eleazar Porter Esq<sup>rs</sup> are hereby directed to bind over all the Witnesses for the King to appear at the said Trial. [*Passed June 28.*]

Legislative  
Records of the  
Council, xiii.,  
374.

Mass.  
Archives, xli.,  
15. House  
Journal, pp. 60,  
66, 67.

## CHAPTER 83.

## ORDER ON MARY ALFORDS PETITION PRAYING FOR PERMISSION TO OPEN A JUDGMENT.

A PETITION of Mary Alford, Relict Widow & Executrix of Benjamin Alford Dec<sup>d</sup> Shewing that Andrew Faneuil of Boston Merchant recovered Judgem<sup>t</sup> against her by Default at the Inferior Court held at Boston for the County of Suffolk in March 1725, for £19. 3 Curr<sup>t</sup> Money of New England & hath taken out a Writ of Scire facias against her, returnable to the Court to be held in July next But for as much as one of the Petitioners Sons agreed with Henry Franklyn, who transacted M<sup>r</sup> Faneuils Business at that Time, to pay the Bond of £19. 3 on which the said Judgement was founded, And the said Franklyn having Occa-

Legislative  
Records of the  
Council, xiii.,  
374.

House Jour-  
nal, p. 67.

sion soon after for some Braziletto Wood, took up a Quantity thereof of the Petitioners Son to the Value of £25. 14 Which the Petitioner & her Sons imagined was for Payment of the said Boud, & that the said Sum was to be discounted thereon, & therefore never received any other Satisfaction for the said Wood, Praying an Order of this Court to empower her to have a Trial of the said Cause in the Law.

Read &

*Ordered* that the Petitioner serve M<sup>r</sup> Andrew Faneuil with a Copy of this Petition, that he may give in his Answer thereto, if he see Cause, on the first Fryday of the next Fall Session; And all further Proceedings upon the Judgement against the Petitioner are hereby stayed in the mean Time; Any Law, Usage, or Custom to the Contrary Notwithstanding. [*Passed June 28.*]

## CHAPTER 84.

VOTE APPOINTING A COMMITTEE FOR SORTING PAPERS IN THE SECRYS. OFFICE.

In the House of Representatives

*Voted* That William Payne Esq<sup>r</sup> and M<sup>r</sup> Lewis with such as the Honourable Board Shall Appoint be a Committee to Assist M<sup>r</sup> Secretary in a Strict Examination of all the papers lodged in the Town House, that they carefully indorse such as are not indorsed, that they range and place them in the years to which they respectively belong, and make Such a Table or Alphabett as that the said papers may easily be found

In Conneil,

Read & Concur'd, And Elisha Cook Esq<sup>r</sup> is join'd in the Affair. [*Passed June 28.*]

## CHAPTER 85.

ORDER ON FRAN. CARY & JOHN TURNERS PETITION PRAYING FOR APPOINTMENT OF A COMMITTEE TO RUN A BOUNDARY LINE.

A PETITION of Francis Cary & John Turner, Shewing that they are like to be great Sufferers in their Interests, because the Meets & Bounds of a certain Tract of Land between Taunton & Tetticut are not run & stated, And for as much as it was not the Pleasure of this Court to grant their Petition for a Committee for that Service. Therefore Praying that this Court would appoint a Committee to run a Line from Baiting Brook so called to the long Square, being the extream Bounds of the Town of Taunton on the East Side.

Read &

*Ordered* that the Petitioners serve the Town of Taunton with a Copy of this Petition that so they give in their Answer thereto, if they see Cause on the first Fryday of the next Session of this Court. [*Passed June 28.*]

Legislative  
Records of the  
Council, xiii.,  
375. Mass.  
Archives,  
lxxxviii., 394.

House Jour-  
nal, p. 65.

Legislative  
Records of the  
Council, xiii.,  
375.

Legislative  
Records of the  
Council, xiii.,  
322, 326. House  
Journal, p. 70.  
*Ante*, p. 116,  
chap. 302.

## CHAPTER 86.

RESOLVE ALLOWING £39. 14 TO GEO. PEMBERTON.

AN ACCOMPT presented by D<sup>r</sup> George Pemberton of Medicines & Attendance on the Garrison at His Majestys Castle William from Dec. 13. 1726, to June 9. 1727, Amounting to the Sum of £39. 14.

[Read, Accepted and]

*Resolved* that the Sum of Thirty nine Pounds fourteen shillings be allowed & paid out of the publick Treasury to the Accomptant D<sup>r</sup> George Pemberton in full Discharge thereof. [*Passed June 28.*]

Legislative  
Records of the  
Council, xiii.,  
376.

House Jour-  
nal, p. 64.

## CHAPTER 87.

RESOLVE ALLOWING £5 TO JAMES PORTER.

A PETITION of James Porter of Northfield, Shewing that in the Year 1725 he enlisted under the Command of Cpt. Thomas Wells in a March against the Indian Enemy, & on their Return was overset in a Canoe & lost his Arms & other Things, Praying an Allowance from this Court, to repair his Loss sustained as afore said.

Read and Accepted and

*Resolved* That the Sum of Five pounds be allowed and paid out of the publick Treasury to M<sup>r</sup> Ebenezer Wright for the Use of the petitioner and is in full satisfaction of the Losses within Mentioned by him sustained. [*Passed June 28.*]

Legislative  
Records of the  
Council, xiii.,  
376. Mass.  
Archives,  
ixxii., 286.

Mass.  
Archives,  
ixxii., 285.  
House Jour-  
nal, p. 64.

## CHAPTER 88.

ORDER FOR A COMMITTEE ON YE PETITION REFERRING TO HASSANIMISCOE.

ON THE PETITION of Samuel Chandler & John Sherman for themselves & divers others, Praying for Liberty to purchase a Tract of Land of the Indians at Hassanimisco,

In the House of Representatives Read and

*Ordered* That John Quincy Esq<sup>r</sup> Major Tilestone & Cap<sup>t</sup> Goddard with such as the Honourable Board shall Appoint be a Committee to repair to the Land petitioned for that they carefully view the Same, and report their Opinion to this Court in their next Fall Session what may be the Value of the Lands which are proposed by the Natives there to be sold

In Council, Read & Concur'd; And Nath<sup>l</sup> Byfield & Sam<sup>l</sup> Thaxter Esq<sup>rs</sup> are join'd in the Affair. [*Passed June 28.*]

Legislative  
Records of the  
Council, xiii.,  
376. Mass.  
Archives,  
cxiii., 681.

Mass.  
Archives,  
cxiii., 679.  
Legislative  
Records of the  
Council, xii.,  
252, 253, 316, 423;  
xiii., 245, 255.  
House Journal,  
p. 25 (June,  
1725); p. 47.  
Province  
Laws, x., 442,  
chap. 30.

## CHAPTER 89.

RESOLVE FOR EMITTING £16,000 IN BILLS OF CREDIT AND PROVIDING SECURITY; £6,000 IN THE YEAR 1735; £10,000 IN THE YEAR 1736; PAYMENT TO BE MADE IN COMMODITIES.

Legislative  
Records of the  
Council, xiii.,  
378.

House Jour-  
nal, pp. 72, 73.  
Province  
Laws, ii., 450.

*Resolved* that the Treasurer be & hereby is impowered & directed to issue forth & emit the Sum of Sixteen Thousand Pounds in Bills of Credit on this Province for the necessary Defence & Support of this Governm<sup>t</sup> & the Protection & Preservation of the Inhabitants thereof (The said Sixteen Thousand Pounds being already in the Hands of the Treasurer & received for Taxes Impost &c.) To be issued & disposed of by Warrant under the Hand of the Govern<sup>r</sup> or Commander in Chief for the Time being with the Advice & Consent of the Council, Fifteen Thousand five Hundred Pounds thereof shall be applied for the Uses, Intents & Purposes in this Resolve hereafter express'd; viz. For the Payment of all Grants, Premiums & Stipends established by Law, for the defraying & paying the Charge of Castle William & the other Forts & Garrisons, Muster Rolls of Soldiers & Sailors, Allowances &c. and all other Accompts of Charges allowed & pass'd on for Payment by this Court; And that the Sum of Five Hundred Pounds (being the Residue & remaining Part of the said Sixteen Thousand Pounds) shall be applied for the Payment of Expresses dispatch'd in the Service of this Governm<sup>t</sup> in the Recess of this Court together with all necessary unforeseen Charges that demand prompt Payment, which shall arise in the Recess of the Court as afore said, PROVIDED always that the several Draughts made on the Treasurer, as afore said express & declare out of which of the two several Sums afore mentioned the Money is to be paid; And the said Bills shall pass out of the Treasury at the Value therein expressed Equivalent to Money, & shall be so taken & Accepted in all publick Payments; And that the Duties of Impost & Exeise together with all other publick Incomes be a Fund & Security for the Payment and Drawing in the said Bills into the Treasury again, so far as the same will reach; And as a further Fund and Security for the same; It is further

*Resolved* that there be & hereby is granted unto His most Excellent Majesty for the Ends & Uses afore said, & for no other Ends & Uses whatsoever a Tax of Six Thousand Pounds, to be levied upon Polls & Estates both real & personal within this Province, according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be Agreed on & Ordered by the Great & General Court or Assembly of this Province at their Session in May One Thousand seven Hundred & thirty five & paid into the Treasury on or before the last Day of Decem<sup>r</sup> next after; And as a further Fund & Security for the same;

It is further

*Resolved* that there be & hereby is granted unto His most Excellent Majesty for the Ends & Uses aforesaid, & for no other Ends & Uses whatsoever, a Tax of Ten Thousand Pounds to be levied upon Polls & Estates both Real & Personal within this Province, according to such Rules & in such Proportion upon the several Towns and Districts within the same as shall be agreed on & ordered by the Great & General Court or Assembly of this Province at their Session in May One Thousand seven Hundred & thirty six, & brought into the Treasury on or before the last Day of December next after.

And whereas it may be then difficult thro' the Scarcity of Bills of Credit for Persons to convert the Produce of their Lands into Bills & pay their Rates in them; It is further

*Ordered* that the Inhabitants of this Province shall have Liberty, if they see Cause, to pay the several Sums that shall be on them respectively assessed in the several Species hereafter mentioned, at such moderate Rates & Prices as the Great and General Assembly shall set them at; viz, In good Barrel Beef & Pork, Wheat, Barley, Rye, Indian Corn, Oats, Flax, Hemp, Bees Wax, Pease, Butter in Firkins, Cheese, Hides, Tan'd Leather, Dry Fish, Mackeril in Barrels, Oyl, Whale bone, Bay berry Wax, Tallow, Pitch, Tar, & Turpentine; Which Species shall be received by the Treasurer of the several Constables or Collectors, & by him disposed of to the best Advantage for the Calling in of the said Bills into the Treasury again; And if any Loss shall happen by the Sale of the aforesaid Species, or any other unforeseen Accident shall arise, That said Deficiencies shall be made good by a Tax of the Year next following, so as fully & effectually to draw in the whole Sum of Bills emitted as aforesaid.<sup>1</sup> [*Passed June 29.*]

## CHAPTER 90.

### ORDER FOR A TOWN MEETING AT UXBRIDGE.

*Ordered* that M<sup>r</sup> Solomon Wood, a principal Inhabitant of the Town of Uxbridge, be impowered & directed to notify & summon the Inhabitants, duly qualified for Voters, to meet & assemble for the Chusing of Town Officers to stand until the next Annual Election according to Law. [*Passed June 29.*]

Legislative  
Records of the  
Council, xiii.,  
379.  
House Jour-  
nal, p. 69.

## CHAPTER 91.

### VOTE FOR A PRESENT TO THE INDIANS.

THE SECRETARY carried down to the House of Represent<sup>ves</sup> the following Message from His Honour the Lient. Govern<sup>r</sup> Viz,

Gentlemen of the House of Represent<sup>ves</sup> Whereas it seems necessary that the Indians now come down to the Ratification of the Peace should have the same favourable Reception in all respects with those that have already ratified, that no Umbrage or Jealousies may possibly arise on that Score; I propose that the following Particulars may be provided, which will be near a Proportion to what was given last Year; And a Schedule of Goods proper for a Present was added to the said Message.

Upon which the following Vote was pass'd; Viz,

*Resolved* that M<sup>r</sup> Treasurer Allen be and hereby is directed to supply the sundry Particulars within mention'd in Proportion to the Enumeration in a Sum not exceeding Three Hundred Pounds. [*Passed June 29.*]

Legislative  
Records of the  
Council, xiii.,  
379.

House Jour-  
nal, p. 70.  
*Ante*, p. 58,  
chap. 148;  
p. 164, chap. 75.

<sup>1</sup> "The [foregoing] Resolve for emitting the Sum of £16,000 in Bills of Credit out of the publick Treasury, . . . being laid before His Honour the Lientent Governor for his signing his Consent thereto; His Honour proposed the following Question to the Council for their Opinion & Advice thereon; viz,

Whether it be consistent with His Majestys Instruction to the Governor of the 29<sup>th</sup> of Septem<sup>r</sup> 1720, & the Order from the Board of Trade Dated Feby. 8<sup>th</sup> 1726, for him (the Lientent Govern<sup>r</sup>) to sign his Consent to the Vote for emitting £16,000 in Bills of Credit for the necessary Support of the Governm<sup>t</sup> & the Protection & Defence of the Inhabitants thereof pass'd by both Houses at the present Session?

And it was *Resolved* in the Affirmative Nemine Contradieente." — Legislative Records of the Council, xiii., 380.

## CHAPTER 92.

RESOLVE ALLOWING £79. 3. 11 TO SHER. WINSLOW.

Legislative  
Records of the  
Council, xiii.,  
382.

House Jour-  
nal, p. 66.

AN ACCOUNT presented by Edward Winslow Esq<sup>r</sup> Sheriff of the County of Suffolk, of the Charge of repairing the Govern<sup>rs</sup> or Province House, Pursuant to an Order from the Hon<sup>ble</sup> the Lieuten<sup>t</sup> Govern<sup>r</sup> & Council, Amounting to the Sum of £79. 3. 11.

[Read, Accepted and]

*Resolved* that the Sum of Seventy nine Pounds three shillings & eleven pence be allowed & paid out of the publick Treasury to the Accomptant Edward Winslow Esq<sup>r</sup> to be by him repaid to the Persons to whom [the same]<sup>1</sup> is due respectively in full Discharge thereof. [*Passed July 1.*]

## CHAPTER 93.

ORDER GRANTING TO COLL. JOHNS. HARMAN TWO HUNDRED ACRES OF LAND.

Legislative  
Records of the  
Council, xiii.,  
382.

House Jour-  
nal, p. 61.

A MEMORIAL of Coll. Johnson Harman, Shewing that for divers Years last past he has served this Province in the Wars against the Indians in divers Capacities & Offices, that he has endured great Difficulties and Hardships & often been in Hazard of his Life, & has met with considerable Success in his Attempts against the Enemy, Praying a Grant of Two Hundred Acres of the unappropriated Lands of the Province lying in some Part of the County of York.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petitioner be allowed & empowered at his own Charge by a Survey<sup>r</sup> & Chain men on Oath to survey & lay out Two Hundred Acres of the unappropriated Lands of the Province lying & being in the County of York. And that he return a Plat thereof to the Court for Confirmation within twelve Months. [*Passed July 1.*]

## CHAPTER 94.

RESOLVE ALLOWING £27. 10 TO LUKE VARDY.

Legislative  
Records of the  
Council, xiii.,  
382.

House Jour-  
nal, p. 71.

AN ACCOUNT presented by Luke Vardy of the Charge of entertaining His Honour the Lieut. Govern<sup>r</sup> & the Council on the last Day of Election of Councill<sup>rs</sup> Amounting to the Sum of £27. 10.

[Read and]

*Resolved* that the Sum of Twenty seven Pounds ten shillings be allowed & paid out of the publick Treasury to the Accomptant. Luke Vardy in full Discharge thereof. [*Passed July 1.*]

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiii., 378.



## CHAPTER 95.

RESOLVE ALLOWING 25/ TO SAM<sup>LL</sup> GERRISH.

AN ACCOMPT presented by M<sup>r</sup> Samuel Gerrish Bookseller of 50 of the last Election Sermons, supplied the House Amounting to £1. 17. 6. Legislative Records of the Council, xlii., 382.

[Read and]

*Resolved* that the Sum of Twenty five shillings be allowed & paid out of the publick Treasury to the Accountant Samuel Gerrish in full Discharge thereof. [*Passed July 1.* House Journal, p. 71.]

## CHAPTER 96.

RESOLVE ALLOWING 53/ TO W<sup>M</sup> PRICE.

AN ACCOMPT presented by William Price of Work done by Order of the House of Represent<sup>ves</sup> Amounting to the Sum of £2. 13. Legislative Records of the Council, xlii., 383.

[Read and]

*Resolved* that the Sum of Fifty three shillings be allowed & paid out of the publick Treasury to the Accountant William Price in full Discharge thereof. [*Passed July 1.* House Journal, p. 71.]

## CHAPTER 97.

RESOLVE ALLOWING 49/ TO SAM<sup>LL</sup> HINKES.

AN ACCOMPT presented by Cpt. Samuel Hinkes of sundry Disbursem<sup>ts</sup> for Repairs at His Majestys Fort Mary, Amounting to the Sum of £2. 9. Legislative Records of the Council, xlii., 383.

[Read and]

*Resolved* that the Sum of Forty nine shillings be allowed & paid out of the publick Treasury to the Accountant Samuel Hinkes in full Discharge thereof. [*Passed July 1.* House Journal, p. 71.]

## CHAPTER 98.

RESOLVE FOR THE PAY OF THE LIEUT. GOV<sup>RS</sup> GUARD.

THE SECRETARY carried down the following Message from His Honour the Lieut. Govern<sup>r</sup> to the House of Represent<sup>ves</sup> Viz,

Gentlemen of the House of Represent<sup>ves</sup> In Answer to your Message to me this Morning, I now acquaint you That (besides a Guard of fifty or sixty Men which I shall order to be raised in the County of York, to save the Charge of Transportation, whose Pay ought now to be settled,) I expect a Number of Gentlemen of both Houses to accompany me to the Eastward, that so I may see the Indians in such a Manner as may be convenient & for the Honour of the Government; And I desire you would make Provision accordingly. Legislative Records of the Council, xlii., 383. House Journal, pp. 63, 64. Ante, p. 164, chap. 75.

[Read and]

*Resolved* that there be allowed and paid out of the publick Treasury to each effective Man that shall be raised by Order of His Honour the Lieutenant Govern<sup>r</sup> & Commander in Chief to wait on him Eastward the Sum of Two shillings per Diem besides Subsistence, & so in Proportion to the Officers of the Guard. [*Passed July 1.*]

## CHAPTER 99.

RESOLVE ALLOWING £4. 3. 6 TO CPT. SAM<sup>l</sup><sup>e</sup> HINKES.

Legislative  
Records of the  
Council, xiii.,  
383.

House Jour-  
nal, p. 55.  
*Ante*, p. 139,  
chap. 13.

A PETITION of Cpt. Samuel Hinkes, Shewing that by Mistake he omitted out of his Muster Roll (last made up) of the Garrison at Fort Mary, lately under his Command, the Name of John Thomas a Centinel in said Garrison, To whom is justly due the Sum of Four Pounds three shillings & six pence, Praying that the same may be allowed the said Thomas.

Read [and Accepted] &

*Resolved* that the Sum of Four Pounds three shillings & six pence be allowed & paid out of the publick Treasury to the said Cpt. Hinkes for the Use of the said Thomas in full of the said Thomas's Service within express'd. [*Passed July 1.*]

## CHAPTER 100.

RESOLVE ALLOWING THE PAYMENT OF CPT. JN<sup>o</sup> PENHALLOW'S MUSTER ROLL.

Legislative  
Records of the  
Council, xiii.,  
383.

House Jour-  
nal, p. 69.

A MUSTER ROLL of the Company late in His Majestys Service Eastw<sup>d</sup> under the Command of Cpt. John Penhallow Containing an Account of Wages due to them for their Service from the 26<sup>th</sup> of August 1726, to the 25<sup>th</sup> of Septem<sup>r</sup> following, Amounting to the Sum of £27. 5. 10.

[Read and Accepted and]

*Resolved* that the Sum of Twenty seven Pounds five shillings & ten pence be allowed & paid out of the publick Treasury to the Officers and Soldiers born thereon, to whom it is due in full Discharge thereon.<sup>1</sup> [*Passed July 1.*]

## CHAPTER 101.

VOTE ADDING M<sup>r</sup> BERRY TO THE COMMITTEE GOING EASTW<sup>d</sup>.

Legislative  
Records of the  
Council, xiii.,  
384.

House Jour-  
nal, p. 74.  
*Ante*, p. 165,  
chap. 77.

M<sup>r</sup> THOMAS CUSHING one of the Committee for English Claims to the Lands in the Eastern Parts of this Province Moving that, as his private Affairs will by no means allow his going Eastward at this Time, he might be excused;

*Voted* that M<sup>r</sup> Berry be added to the Committee. [*Passed July 3.*]

<sup>1</sup> *Sic.*

## CHAPTER 102.

ORDER REFERRING THE PET<sup>ION</sup> OF THE INHAB<sup>TS</sup> OF THE SOUTH PART OF DEDHAM TO THE NEXT GENERAL COURT.

A PETITION of Joseph Ellis, James Fisher & a considerable Number of other Inhabitants of the South Part of the Town of Dedham Setting forth that they are situate at a great Distance from the Place of publick Worship in the said Town, by reason of which they are put to great Difficulties & Charges, that they have at several Times applied them selves to the said Town for their Consent to their being set off a distinct Precinct, Which they have refused to grant; Therefore Praying that this Court would appoint a Committee to view their Situation & consider their Circumstances in Order to their being set off a separate Precinct or that the Meeting House in the said Town be removed nearer to the Center.

Read &

*Ordered* that this Petition be refer'd to the next Session of this Court, And that the Petitioners serve the Town of Dedham as soon as may be with a Copy thereof, that they shew Cause, if any they have on the first Fryday of the said Session why the Prayer of the Petition should not be granted. [*Passed July 4.*]

Legislative  
Records of the  
Council, xlii.,  
386.

Legislative  
Records of the  
Council, xlii.,  
321. House  
Journal, p. 73.  
*Ante*, p. 102,  
chap. 271.

## CHAPTER 103.

## RESOLVE ALLOWING £3. 18 TO CPT. JA. WOODSIDE.

AN ACCOMPT presented by Cpt. James Woodside of Cord Wood for the Garrison at Fort Mary at Winter Harbour, Gundaloe Hire for transporting it &c, Amounting to the Sum of £3. 18.

[Read and Accepted and]

*Resolved* that the Sum of Three Pounds eighteen shillings be allowed & paid out of the publick Treasury to the Accomptant in full Discharge thereof. [*Passed July 4.*]

Legislative  
Records of the  
Council, xlii.,  
386.

House Jour-  
nal, p. 55.

## CHAPTER 104.

## RESOLVE ALLOWING PAYMENT ON THE MUSTER ROLL OF THE GARRISON AT FORT MARY.

A MUSTER ROLL of the Garrison in His Majestys Service at Fort Mary at Winter Harbour under the Command of Cpt. James Woodside Containing an Accompt of Wages due to them for their Service from March 5. 1726, to June 25. 1727, Amounting to the Sum of £79. 4. 1.

[Read and Accepted and]

*Resolved* that the Sum of Fifty eight Pounds fourteen shillings be allowed & paid out of the publick Treasury to the Officers & Soldiers born on the within Roll, to whom the same is respectively due in full Discharge, Agreeable to the Committees Report; the Sum of Five Pounds fifteen shillings & eight pence being taken out of Cpt. Woodside's Wages for so much advanced to him by M<sup>r</sup> Treasurer as appears by M<sup>r</sup> Treasurers Accompt. [*Passed July 4.*]

Legislative  
Records of the  
Council, xlii.,  
387.

House Jour-  
nal, p. 54.

## CHAPTER 105.

## ORDER ON MILTON PETITION TO BUILD A MEETING HOUSE.

Legislative  
Records of the  
Council, xiii.,  
388.

House Jour-  
nal, p. 75.  
Province  
Laws, x., 178,  
chap. 69.

A PETITION of Mamasseh Tucker & others a Committee for the Town of Milton, Shewing that for divers Years past they have been under great Difficulties with respect to the erecting & placing a new Meeting House, partly thro' a Disagreem<sup>t</sup> among them selves, & partly thro' the Impracticableness of purchasing the Land assign'd by the General Court; That the Inhabitants of the Town legally warn'd have agreed upon the South West Corner of John Trotts Land, adjacent to the Road, joining to the Land of Nathaniel Pitcher, which the first Committee of the General Court judg'd the most convenient Place for building their Meeting House; Therefore Praying the Allowance of this Court that they may build their Meeting House on the said John Trotts Land, Agreeable to the Vote pass'd by the Town afore said.

Read &

*Ordered* that the Prayer of the Petition be granted, The former Order of this Court Notwithstanding. [*Passed July 4.*]

## CHAPTER 106.

RESOLVE ALLOWING £8. 8 TO JOHN ASHLEY ESQ<sup>E</sup>.

Legislative  
Records of the  
Council, xiii.,  
388.

House Jour-  
nal, pp. 9, 11.

AN ACCOMPT presented by Cpt. John Ashley of Expresses sent in the Service of the Province

[Read and Accepted and]

*Resolved* that the Sum of Eight Pounds eight shillings<sup>1</sup> be allowed & paid out of the publick Treasury to M<sup>r</sup> John Gun to be by him repaid to whom it is due to discharge the said Accompt. [*Passed July 4.*]

## CHAPTER 107.

## RESOLVE ALLOWING 40/ TO JOSIAH PARKER.

Legislative  
Records of the  
Council, xiii.,  
388.

House Jour-  
nal, pp. 62, 77.

A PETITION of Joshua Parker, Shewing that while he was in the Service of the Province on the Western Frontiers in the Year 1725, under the Command of Cpt. Samuel Willard he was sent on several Expresses for the Governm<sup>t</sup> by Order of the Officers, Praying that this Court would make him an Allowance out of the publick Treasury for the same.

[Read and]

*Resolved* that the Sum of Forty shillings be allowed & paid out of the publick Treasury to the Memorialist Joshua Parker in full Satisfaction for the Services within mentioned. [*Passed July 4.*]

<sup>1</sup> The House Journal reads, £9. 8.

## CHAPTER 108.

RESOLVE ALLOWING £10 TO MR SAM<sup>L</sup>L HUNT.

A PETITION of M<sup>r</sup> Samuel Hunt, Shewing that he has esteemed him self as a Missionary from this Court ever since he has been in the Work of the Ministry at Dartmouth, that he has accordingly had Encouragem<sup>t</sup> therein for several Years by Grants out of the publick Treasury ; which has been a great Part of his Support in that Office, that he has received no Allowance from this Court since the Year 1725, And his Allowance from his People there being very small and insufficient, for his Support, Therefore Praying for the further Bounty of this Court.

Read [and Accepted] &

*Resolved* that the Sum of Forty Pounds be allowed & paid out of the publick Treasury to the Rev<sup>d</sup> M<sup>r</sup> Samuel Hunt for his Support & Encouragem<sup>t</sup> in the Work of the Ministry at Dartmouth. [*Passed July 5.*]

Legislative  
Records of the  
Council, xiii.,  
390.

House Jour-  
nal, p. 77.  
Province  
Laws, x., 541,  
chap. 311; 598,  
chap. 62.

## CHAPTER 109.

ORDER GRANTING SURVEY OF LANDS ON MEM<sup>O</sup> OF INHAB<sup>T</sup>S & PRO-  
PRIET<sup>RS</sup> OF NORTHFIELD.

A MEMORIAL of the Inhabitants & Proprietors of the Town of North-  
field, Shewing that there has never yet been any Lines or Boundaries  
of their Town run & settled & returned to this Court for Confirmation,  
that they have lately been at the Charge of a Surveyor & Chain men on  
Oath to survey the Bounds of their Town according to the Grants of  
the Court; And a Plat of the said Town according to the said Survey  
is herewith exhibited, Praying that this Court would confirm to them  
the Lands of their Township, as contained & delineated in the said  
Plat.

In the House of Represent<sup>ves</sup> Read &

*Ordered* that Coll. Stoddard, M<sup>r</sup> Gun & M<sup>r</sup> Wright be a Committee  
at the Charge of the Petitioners to run the Lines of the Town of North-  
field by a skilful Surveyour & Chain men, Agreeable to the several Grants  
made by this Court to the said Town, & return a Plat thereof to the  
Court in their next Fall Session for Confirmation.

In Council; Read & Concur'd, The Survey of the first Grant of eight  
Miles square to begin on the East Side of the River at the lower End  
of the three little Meadows, & so to extend eight Miles up the River.

In the House of Represent<sup>ves</sup> Read & Concur'd. [*Passed July 5.*]

Legislative  
Records of the  
Council, xiii.,  
390.

Legislative  
Records of the  
Council, ix.,  
362. House  
Journal, pp.  
77, 78. Prov-  
ince Laws, ix.,  
336, chap. 160;  
x., 297, chap.  
25.

## CHAPTER 110.

ORDER IMPOWERING ELIS<sup>A</sup> USHER TO TAKE A RECONVEYANCE OF  
LAND.

A PETITION of M<sup>rs</sup> Elizabeth Usher of Charlestown Administ<sup>x</sup> to the  
Estate of John Usher Esq<sup>r</sup> her late Husband Dec<sup>d</sup> Shewing that her said  
Husband in his Life Time; viz, on the 30<sup>th</sup> of July 1726, for reasons best  
known to him self made a certain Deed of Bargain or Sale to Edmund  
Goffe Esq<sup>r</sup> of the Northermost Part of his Farm near Medford called  
Ten Hills lying in Charlestown, to hold to the said Goffe his Heirs &

Legislative  
Records of the  
Council, xiii.,  
390.

House Jour-  
nal, p. 89.

Assigns for ever, & subjoined to the said Deed a Receipt for £1,050, as the Consideration Money for the said Estate; But notwithstanding the said John Usher took a Bond of the said Goffe for the Penalty of £2,000, Declaring that the said Consideration Money was never paid & Conditioned that the said Goffe should reconvey the said Estate on Demand, to the said Usher & his Heirs, That the said Estate is not conveyed back tho' the said Usher is dead, And there being a Doubt Whether the said Estate or any Part thereof can be sold to pay the Deceaseds Debts, if it be reconveyed to the Heirs of the said Usher according to the Terms of the said Obligation, Therefore Praying that the Petitioner as Administ<sup>r</sup> may be empowered to take a Conveyance of the said Estate for these Uses only; viz, for the Sale of so much as may be necessary to pay the Debts of the Deceased, And the Residue to be for the Heirs of the said John Usher Esq<sup>r</sup> for ever.

Read &

*Ordered* that the Prayer of this Petition be granted, & that the Petitioner be & hereby is empowered to take a Reconveyance of the Lands mentioned in the Petition as she is sole Administ<sup>r</sup> of the Estate of John Usher Esq<sup>r</sup> Dec<sup>d</sup> her late Husband, To hold to her & her Heirs to these only Uses & Intents; viz, by the Sale of so much & of such Particular Parcel or Parcels thereof as shall be judged proper by the Justices of the Superior Court to allow of (after her Accompt of Administration has pass'd the Judge of Probates Allowance) & the Rest & Residue thereof to be for the only Use of the Heirs of the said John Usher for ever; Any Law, Usage or Custom to the Contrary notwithstanding. [*Passed July 5.*]

## CHAPTER 111.

### VOTE FOR PROVIDING CHAPLAINS AT THE TRADING HOUSES.

Legislative  
Records of the  
Council, xiii.,  
392.

Legislative  
Records of the  
Council, xiii.,  
392. House  
Journal, p. 82.

In the House of Represent<sup>ves</sup>

*Voted* that a Message be sent up to the Hon<sup>ble</sup> Board to acquaint them that the House are very ready & willing to make a suitable & honourable Allowance for the Chaplains proposed to be sent Eastward, as soon as the House is informed of the Persons thought proper to be sent & capable of going through that great Work; And that the Rev<sup>d</sup> M<sup>r</sup> President Wadsworth and M<sup>r</sup> Sewall with such as the Hon<sup>ble</sup> Board shall join be a Committee to enquire after & procure two prudent & discreet Persons of good Learning, exemplary & of very circumspect Lives & Conversations & well disposed & spirited to that good Work; And that they report thereon as soon as may be: In Council; Read & Concur'd, And the Rev<sup>d</sup> D<sup>r</sup> Cotton Mather is join'd in the Affair. [*Passed July 6.*]

## CHAPTER 112.

### VOTE FOR SUPPLIES FOR THE INDIANS.

Legislative  
Records of the  
Council, xiii.,  
392.

Legislative  
Records of the  
Council, xiii.,  
391. House  
Journal, p. 81.  
*Ante*, p. 152,  
chap. 45.

*Resolved* that M<sup>r</sup> Treas<sup>r</sup> Allen be & hereby is ordered & directed to furnish & supply such necessary & convenient Supplies for the Indians His Honour has proposed to meet at the Eastward, as His Honour & the Council may think proper on the Occasion thereof. [*Passed July 6.*]

## CHAPTER 113.

## RESOLVE ALLOWING £100. 12. 9 TO SUNDRY PARTIES FOR CLEANING &amp; MENDING ARMS.

AN ACCOMPT presented by M<sup>r</sup> Treasurer Allen & Joseph Wadsworth Esq<sup>r</sup> of the Charge of Cleaning & Mending the Province Arms by several Gun Smiths according to their particular Notes, Amounting to the Sum of £100. 12. 9.

Legislative  
Records of the  
Council, xiii.,  
392.

House Jour-  
nal, p. 82.

[Read and]

*Resolved* that the Sum of One Hundred Pounds twelve shillings & nine pence be allowed & paid out of the publick Treasury to Joseph Wadsworth Esq<sup>r</sup> to be [by]<sup>1</sup> him repaid to the Persons to whom the same is due in full Discharge of their respective Accompts. [*Passed July 6.*]

## CHAPTER 114.

RESOLVE ALLOWING PAYMENT OF THE MUSTER ROLL OF SLOOP ENDEAV<sup>r</sup>.

A MUSTER ROLL of the Sloop Endeavour a Transport in the Service of this Province under the Command of Cpt. Thomas Saunders, Containing an Accompt of Wages due to the said Master & Company for their Service from the 8<sup>th</sup> of Octob<sup>r</sup> 1726, to the 30<sup>th</sup> of June 1727, together with the Hire of the said Sloop the said Time, Amounting to the Sum of £332. 10.

Legislative  
Records of the  
Council, xiii.,  
393.

House Jour-  
nal, p. 82.

[Read and Accepted and]

*Resolved* that the Sum of Three Hundred & thirty two Pounds ten shillings be allowed & paid out of the publick Treasury to the Persons born on this Roll to whom the same is respectively due in full Discharge thereof. [*Passed July 6.*]

## CHAPTER 115.

RESOLVE ALLOWING £5. 12 TO EDM<sup>p</sup> MOUNTFORTH.

AN ACCOMPT presented by Edmund Mountforth of Service performed by him at the Eastward in Delivering Stores &c, from the 23<sup>d</sup> of November to the 25<sup>th</sup> of Decem<sup>r</sup> 1725, Amounting to the Sum of £5. 12.

Legislative  
Records of the  
Council, xiii.,  
393.

House Jour-  
nal, p. 82.

[Read and Accepted and]

*Resolved* that the Sum of Five Pounds twelve shillings be allowed & paid out of the publick Treasury to the Accomptant Edmund Mountforth in full Discharge thereof. [*Passed July 6.*]

## CHAPTER 116.

## VOTE FOR A TOWN MEETING AT SOUTHBORÔ.

*Ordered* that Cpt. William Ward a principal Inhabitant of the Town of Southborô, be impowred and directed to notify & summon the In-

Legislative  
Records of the  
Council, xiii.,  
393.

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiii., 390.

House Jour-  
nal, p. 83.

habitants duly qualified for Voters to assemble & convene for the chusing of Town Officers to stand until the next annual Election according to Law. [*Passed July 7.*]

## CHAPTER 117.

RESOLVE ALLOWING £177. 3. 6 TO COLL. JN<sup>O</sup> SCHUYLER.

Legislative  
Records of the  
Council, xiii.,  
335.

House Jour-  
nal, p. 84.

AN ACCOUNT presented by Coll. John Schuyler of sundry Disbursements for the Service of the Province, of Time & Expence in his own & his Sons Journey to Canada at the Desire of the Governmt &c.

[Read and Accepted and]

*Resolved* that the Sum of One Hundred & seventy seven Pounds three shillings & six pence be allowed & paid out of the publick Treasury to the Accomptant Coll. John Schuyler or his Order in full of all Demands on the Province for the Services, Disbursements &c within mentioned. [*Passed July 7.*]

## CHAPTER 118.

VOTE IMPOWERING M<sup>R</sup> JACOB WENDELL TO SELL Y<sup>E</sup> GOODS OF THE PROVINCE AT ALBANY.

Legislative  
Records of the  
Council, xiii.,  
335.

Legislative  
Records of the  
Council, xiii.,  
83. House  
Journal, p. 84.

AN ACCOUNT or Invoice given in by Coll. John Schuler of the Goods belonging to the Province lying at Albany & in his Custody, being the Remainder of what was sent by the Order of the Governmt in the Year 1726.<sup>1</sup>

[Read and]

*Voted* that M<sup>R</sup> Jacob Wendell be impowered & directed to dispose of what Goods the Province now have in the Hands of Coll. John Schuyler to the best Advantage, & according to the Invoice of them sent by M<sup>R</sup> Treas<sup>r</sup> Allen; And in Case the Goods will not fetch the Price, then the said M<sup>R</sup> Wendell is desired to take the first & safest Conveyance to have them transported to Boston to the Province Treasurer. [*Passed July 7.*]

## CHAPTER 119.

RESOLVE ALLOWING £8. 13. 6 TO SAM<sup>L</sup> TYLEY.

Legislative  
Records of the  
Council, xiii.,  
335.

House Jour-  
nal, p. 85.

AN ACCOUNT presented by M<sup>R</sup> Samuel Tyley of Writing done for the Publick from Jan<sup>y</sup> 3. 1726, to this Time, Amounting to the Sum of £8. 13. 6.

[Read and]

*Resolved* that the Sum of Eight Pounds thirteen shillings & six pence be allowed & paid out of the publick Treasury to the Accomptant Samuel Tyley in full Discharge thereof. [*Passed July 7.*]

<sup>1</sup> The order appears to have been given December 17. 1725. — Legislative Records of the Council, xiii., 83.



## CHAPTER 120.

RESOLVE ALLOWING £8. 19 TO JOS. MARION.

AN ACCOUNT presented by M<sup>r</sup> Joseph Marion of Writing done for the Publick, from Jan<sup>y</sup> 1726, to this Time, Amounting to the Sum of £8. 14.

[Read and]

*Resolved* that the Sum of Eight Pounds fourteen shillings<sup>1</sup> be allowed & paid out of the publick Treasury to the Accomptant Joseph Marion in full Discharge thereof. [*Passed July 7.*]

Legislative  
Records of the  
Council, xiii.,  
396.

House Jour-  
nal, p. 84.

## CHAPTER 121.

RESOLVE ALLOWING £20. 19. 6 TO BENJA ROLFE.

AN ACCOUNT presented by M<sup>r</sup> Benjamin Rolfe of Writing done for the Publick from Jan<sup>y</sup> 1726, to this Time, Amounting to the Sum of £20. 19. 6.

[Read and]

*Resolved* that the Sum of Twenty Pounds nineteen shillings & six pence be allowed & paid out of the publick Treasury to the Accomptant Benjamin Rolfe in full Discharge thereof. [*Passed July 7.*]

Legislative  
Records of the  
Council, xiii.,  
396.

House Jour-  
nal, p. 84.

## CHAPTER 122.

RESOLVE ALLOWING £31. 15 TO ZECH<sup>a</sup> TRESCOT.

A PETITION of Zechariah Trescot Keeper of His Majestys Goal in Boston, Praying the Allowance of his Accompt annex'd, for Keeping Sarop an Indian Hostage thirty three Weeks & furnishing him with necessary Cloathing & that he may be allowed for his going Express Eastward as also for his Wounds received in the publick Service.

Read &amp;

*Resolved* that the Sum of Thirty one Pounds fifteen shillings be allowed & paid out of the publick Treasury to the Accomptant & Memorialist Zechariah Trescot in full Discharge of the same. [*Passed July 7.*]

Legislative  
Records of the  
Council, xiii.,  
396.

House Jour-  
nal, p. 85.

## CHAPTER 123.

RESOLVE ALLOWING £400 TO THE LIEUT. GOVERN<sup>r</sup>.

*Resolved* that the Sum of Four Hundred Pounds be allowed & paid out of the publick Treasury to the Hon<sup>ble</sup> William Dummer Esq<sup>r</sup> Lieuten<sup>t</sup> Govern<sup>r</sup> & Commander in Chief of this His Majestys Province for his Support & to enable him to manage the Affairs of the Governm<sup>t</sup>. [*Passed July 7.*]

Legislative  
Records of the  
Council, xiii.,  
396.

House Jour-  
nal, p. 86.

<sup>1</sup> The House Journal reads, £8. 19.

## CHAPTER 124.

RESOLVE ALLOWING £300 TO THE JUSTICES OF THE SUP<sup>R</sup> COURT.

Legislative  
Records of the  
Council, xiii.,  
396.

House Jour-  
nal, p. 86.

*Resolved* that the Sum of Three Hundred Pounds be allowed & paid out of the publick Treasury to the Hon<sup>ble</sup> the Justices of His Majestys Superior Court of Judicature &c. in proportion to the Courts they have attended the last Half Year. [*Passed July 7.*]

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## CHAPTER 125.

RESOLVE ALLOWING £70 AND A FURTHER SUM OF £30 TO THE SECRETARY.

Legislative  
Records of the  
Council, xiii.,  
396.

House Jour-  
nal, p. 86.

*Resolved* that the Sum of Seventy Pounds be allowed & paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary of this Province for his extraordinary Service the last Half Year, And that the further Sum of Thirty Pounds be allowed & paid out of the publick Treasury to the said Josiah Willard Esq<sup>r</sup> in Consideration of the publick Affairs at this Time calling for sundry things to pass that Office necessarily requiring a more strict Attendance from him to effect those Matters. Many of which have no stated Fee or Allowance. [*Passed July 7.*]

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## CHAPTER 126.

RESOLVE ALLOWING £250 TO THE TREAS<sup>R</sup>.

Legislative  
Records of the  
Council, xiii.,  
397.

House Jour-  
nal, p. 86.

*Resolved* that the Sum of Two Hundred & fifty Pounds be allowed & paid out of the publick Treasury to Jeremiah Allen Esq<sup>r</sup> Treasurer of this Province for his Service the Year past in the Treasury &c. [*Passed July 7.*]

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## CHAPTER 127.

RESOLVE ALLOWING £360 TO THE PRESID<sup>T</sup> OF HAR. COLLEGE.

Legislative  
Records of the  
Council, xiii.,  
397.

House Jour-  
nal, p. 86.

*Resolved* that the Sum of Three Hundred & sixty Pounds be allowed & paid out of the publick Treasury to the Rev<sup>d</sup> M<sup>r</sup> Benjamin Wadsworth President of Harvard College in Cambridge, to enable him to manage the weighty & important Affairs of that Society the Year Curr<sup>t</sup> The Money to be paid him Quarterly. [*Passed July 7.*]

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## CHAPTER 128.

VOTE APPOINTING A COMM<sup>TEE</sup> TO PREPARE A BILL TO PREVENT OPPRESSION BY ANY ALTERATION IN THE VALUE OF Y<sup>E</sup> BILLS OF CREDIT.

Legislative  
Records of the  
Council, xiii.,  
397.

In the House of Represent<sup>ves</sup>  
*Voted* that M<sup>r</sup> Speaker, M<sup>r</sup> Remington, M<sup>r</sup> Lewis & M<sup>r</sup> Wadsworth with such as the Hon<sup>ble</sup> Board shall appoint be a Committee in the

Recess of the Court to project & prepare a Bill or Bills for the preventing any Oppression that may happen to Debtors or Creditors by reason of any Alteration in the Value of the Bills of publick Credit on this Province, & make Report thereof to this Court in their next Sessions: In Council; Read & Concur'd, And Thomas Fitch, Edmund Quincy & Jonathan Belcher Esq<sup>rs</sup> are join'd in y<sup>e</sup> Affair.<sup>1</sup> [*Passed July 7.*]

Province  
Laws, II., 589,  
chap. 13.

## CHAPTER 129.

### ORDER APPOINTING A COMMITTEE OF BOTH HOUSES TO PREPARE FOR THE GOVERNOR'S RECEPTION.

IN COUNCIL; Whereas according to the last Advices from London His Excellency the Govern<sup>r</sup> was preparing for his Return to his Govern<sup>mt</sup> And therefore his Arrival may be soon expected; And His Honour the Lieutenant Governor being ready to embark on his Voyage to the Eastward in Order to ratify the Peace with the Indians; *Ordered* that Penn Townsend, Nathaniel Byfield, Jonathan Belcher & Daniel Oliver Esq<sup>rs</sup> with such as shall be appointed by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be a Committee to provide for His Excellency's Reception when he shall arrive: In the House of Represent<sup>ves</sup> Read & Concur'd; &

Legislative  
Records of the  
Council, xiii.,  
397.

Legislative  
Records of the  
Council, xli.,  
467. House  
Journal, p. 87.  
*Ante*, p. 164,  
chap. 75.

*Ordered* that William Dudley Esq<sup>r</sup> Joseph Wadsworth Esq<sup>r</sup> M<sup>r</sup> Ezekiel Lewis, M<sup>r</sup> Thomas Cushing, Nathaniel Green Esq<sup>r</sup> Jonathan Remington Esq<sup>r</sup> M<sup>r</sup> Stephen Hall, M<sup>r</sup> William Smith & M<sup>r</sup> Treasurer be joined in the Affair. [*Passed July 7.*]

## CHAPTER 130.

### RESOLVE ALLOWING PAYMENT ON CPT. W<sup>m</sup> WOODSIDES MUSTER ROLL.

A MUSTER ROLL of the Garrison in His Majestys Service at Fort George at Brunswick under the Command of Cpt. William Woodside, Containing an Accompt of Wages due to them for their Service from the 22<sup>d</sup> of Decem<sup>r</sup> 1726, to the 28<sup>th</sup> of June 1727, Amounting to the Sum of £173. 3. 8.

Legislative  
Records of the  
Council, xlii.,  
399. Mass.  
Archives, xci.,  
251.

Together with an Accompt of Cord wood provided for the said Garrison, Subsistence of two Indians sent to Canada &c, Amounting to the Sum of £25. 16 & an other Accompt of Graving the Province Boat, Providing of Whale boat Oars, Treating of divers Indians at sundry Times before the late Treaty at Falmouth, Amounting to the Sum of £6. 19. 10.

Mass.  
Archives, xci.,  
249, 249<sup>1/2</sup>, 250.  
House Jour-  
nal, p. 77.

Read and Accepted and

*Resolved* That according to the above Report there be allowed and paid out of y<sup>e</sup> publick Treasury the Sum of One Hundred and Sixty pounds Six shillings and One penny to the Officers and Soldiers born thereon to whom the Same is respectively due in full discharge of the Wages thereof, and that the further sum of Twenty pounds, Sixteen shillings and ten pence be allowed and paid out of the publick Treasury to the Accomptant Cap<sup>t</sup> William Woodside in full discharge of the Several Accompts presented with the Muster Roll. [*Passed July 7.*<sup>2</sup>]

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 8.

## CHAPTER 131.

## RESOLVE ALLOWING 4/ PER DIEM TO THE SPEAKER.

Legislative  
Records of the  
Council, xiii.,  
398.

House Jour-  
nal, p. 86.

*Resolved* that there be allowed & paid out of the publick Treasury after the Rate of four shillings per Diem for every Day of the present Session of this Court upon Certificate from the Clerk of the House to the Hon<sup>ble</sup> William Dudley Esq<sup>r</sup> Speaker in Consideration of his constant Application in dispatching the publick Affairs of the Province. [*Passed July 8.*]

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## CHAPTER 132.

RESOLVE ALLOWING £30 TO Y<sup>e</sup> CLERK OF THE HOUSE.

Legislative  
Records of the  
Council, xiii.,  
398.

House Jour-  
nal, p. 86.

*Resolved* that the Sum of Thirty Pounds be allowed & paid out of the publick Treasury to John Wainwright Esq<sup>r</sup> Clerk of the House in Part for his Service the Year Currant. [*Passed July 8.*]

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## CHAPTER 133.

## RESOLVE ALLOWING £40 TO THE DOOR KEEPER.

Legislative  
Records of the  
Council, xiii.,  
398.

House Jour-  
nal, p. 86.

*Resolved* that the Sum of Forty Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Richard Hubbard Door Keeper to His Honour the Lieut. Govern<sup>r</sup> & this Court for his Service half a Year, which will determine the 19<sup>th</sup> Day of August next. [*Passed July 8.*]

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## CHAPTER 134.

## RESOLVE ALLOWING 38/ 4 TO JOHN SALE.

Legislative  
Records of the  
Council, xiii.,  
398.

House Jour-  
nal, p. 87.

AN ACCO<sup>MT</sup> presented by John Sale of the Expences of a Comm<sup>tee</sup> of the Represent<sup>ves</sup> at his House, Amounting to the Sum of £1. 18. 4. [*Read and*]

*Resolved* that the Sum of Thirty eight shillings & four pence be allowed & paid out of the publick Treasury to the Accomptant John Sale in full Discharge thereof. [*Passed July 8.*]

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## CHAPTER 135.

## RESOLVE ALLOWING £28. 5 TO REB. HOLMES.

Legislative  
Records of the  
Council, xiii.,  
398.

House Jour-  
nal, p. 86.

AN ACCO<sup>MT</sup> presented by M<sup>rs</sup> Rebecca Holmes of the Expences of several Committees of the General Court at her House, Amounting to the Sum of £28. 5.

[*Read and*]

*Resolved* that the Sum of Twenty eight Pounds five shillings be allowed & paid out of the publick Treasury to the Accomptant Rebecca Holmes in full Discharge thereof. [*Passed July 8.*]

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## CHAPTER 136.

### ORDER FOR A TOWN MEETING AT PROVINCE TOWN.

*Ordered* that M<sup>r</sup> Ezekiel Cushing, a principal Inhabitant of the Town of Province Town, be impowered and directed to notify & summon the Inhabitants duly qualified for Voters to meet &, assemble for the chusing of Town Officers to stand until the next annual Election according to Law. [*Passed July 8.*]

Legislative  
Records of the  
Council, xlii.,  
399.  
House Jour-  
nal, p. 76.

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## CHAPTER 137.

### RESOLVE ALLOWING £22. 11 TO BART. GREEN.

AN ACCOMPT presented by Bartholemew Green for Paper & Printing of Proclamations &c, by Order of the Lieuten<sup>t</sup> Govern<sup>t</sup> & Council from the 2<sup>d</sup> of June 1726, to the 2<sup>d</sup> of June 1727, Amounting to the Sum of £22. 11.

Legislative  
Records of the  
Council, xlii.,  
399.  
House Jour-  
nal, pp. 30, 31.

[Read and]

*Resolved* that the Sum of Twenty two Pounds eleven shillings be allowed & paid out of the publick Treasury to the Accomptant Bartholemew Green in full Discharge thereof. [*Passed July 8.*]

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON  
ON THE SIXTEENTH DAY OF AUGUST, A.D. 1727.

## CHAPTER 138.

VOTE FOR LENGTHENING OUT THE TIME ALLOW'D THE ASSESS<sup>RS</sup> &c.

Legislative  
Records of the  
Council, xlii.,  
402.

House Jour-  
nal, p. 91.  
Province  
Laws, ii., 418,  
chap. 2.

WHEREAS the Assessors of the several Towns are obliged to take an Account of the Polls & Estates within their respective Towns in this present Month of August, And the Time being almost elapsed;

*Voted* that the Time be prolonged, & that they be obliged to do that Service at or before the last Day of September next; Any Thing in the Act entitled An Act for the better Inquiry into the rateable Estate of this Province Notwithstanding. [*Passed August 18.*]

## CHAPTER 139.

RESOLVE ALLOWING £20 TO CPT. CYP. SOUTHACK.

Legislative  
Records of the  
Council, xlii.,  
402.

House Jour-  
nal, p. 91.  
*Ante*, p. 164,  
chap. 75.

A MEMORIAL of Cpt. Cyprian Southack, Shewing that by Order of the Lienten' Govern' He attended His Honour in his late Voyage Eastward for ratifying the Peace with the Norridgewock Indians & other Tribes, & had the Care & Managem' of the Ship Martha Galley as a Pilot, That, when at Casco Bay, he directed the Master of the Mast Ships to suitable Places for their Loading Masts as also for Anchoring their Ships in the Winter Season; which will be of great Benefit to the Trade of this Province; And therefore Praying the Consideration of this Court for his late Services aforesaid.

Read & In Answer to this Memorial

*Resolved* that the Sum of Twenty Pounds be allowed & paid out of the publick Treasury to the Memorialist Cpt. Cyprian Southack in full Discharge of the Services within mentioned. [*Passed August 18.*]

## CHAPTER 140.

RESOLVE ALLOWING £15 TO SAM<sup>LL</sup> PROCTORS PETITION.

Legislative  
Records of the  
Council, xlii.,  
404.

House Jour-  
nal, p. 91.

A PETITION of Samuel Proctor of Falmouth, Shewing that in the Year 1725, Coll. Thomas Westbrook took up a Gundaloe belonging to the Petition' for the Service of the Province; which was carried away to Sea & lost, Praying that this Court would make him an Allowance sufficient to satisfy him for the said Loss.

Read & In Answer to this Memorial

*Resolved* that the Sum of Fifteen Pounds be allowed & paid out of the publick Treasury to the Memorialist Samuel Proctor in full Satisfaction for the Loss of the Gundaloe within mentioned. [*Passed August 18.*]

## CHAPTER 141.

VOTE AS TO THE DIRECTION OF Y<sup>E</sup> ADDRESS TO HIS MAJESTY.

*Voted* that the Address of this Court to His Majesty be sent to M<sup>r</sup> Agent Dummer, who is desired to improve the first seasonable Opportunity to present the same; And in Case the Agent be any ways disabled, that M<sup>r</sup> Francis Wilks be desired to present the same, And that the Whole be directed to him. [*Passed August 19.*]

Legislative  
Records of the  
Council, xiii.,  
405.

Legislative  
Records of the  
Council, xiii.,  
400, 401, 402,  
405 *bis.* House  
Journal, p. 94.

## CHAPTER 142.

ORDER IMPOWERING THE PETITIONERS OF THE WEST PRECINCT IN YARMOUTH TO ENTER AN APPEAL FROM A JUDGMENT.

A PETITION of Samuel Sturges Agent for the West Precinct in Yarmouth, Shewing that the Rev<sup>d</sup> M<sup>r</sup> Daniel Greenleaf their Minister exhibited a Petition against them at the Court of General Sessions of the Peace held at Barnstable for the County of Barnstable in January last respecting the Obligation the Town were under for the Payment of his Salary, that the said Court ordered that both Precincts in the said Town of Yarmouth should be served with a Copy of the said Petition, & then continued it over to the next Session in April following, when the Court gave Judgem<sup>t</sup> That the said West Precinct should pay the said M<sup>r</sup> Greenleaf his Salary from October 1723, to October 1726, at the Rate of £80 Silver Money 15 peny Weight or £120 in Province Bills per Annum, That at the next Court held in July last the said M<sup>r</sup> Greenleaf prefer'd an other Petition, Upon which issued a Warrant out of the said Court Directing the Select men of the said Town to assess the Sum of £360, on the West Precinct & Ordering that the same be collected & paid to the said M<sup>r</sup> Greenleaf; Praying that they may be allowed an Appeal from the said Judgem<sup>t</sup> of the Sessions to the Superior Court &c, And that in the mean Time all Proceedings on the said Warrant be suspended.

Legislative  
Records of the  
Council, xiii.,  
406.

House Jour-  
nal, p. 95.

Read &

*Ordered* that the Petition<sup>rs</sup> be & hereby are allowed & impowered to enter an Appeal from the Judgem<sup>t</sup> of the Court of General Sessions of the Peace within mentioned to the Superior Court of Judicature next to be holden at Plymouth on the last Tuesday of April next for the Counties of Plymouth Barnstable & Dukes County, they filing their Reasons of Appeal with the Clerk of the said Court of General Sessions of the Peace fourteen Days at least before the Time of the Sitting of the said Superior Court, and also serving the said M<sup>r</sup> Greenleaf with a Copy hereof upon Filing the said Reasons; And the Justices of the said Superiour Court are also impowered & directed to hear & try the Cause on the Appeal, enter up Judgement & award Execution accordingly; And all the further Process on the Judgements of the said Courts of General Sessions of the Peace is hereby suspended in the mean Time; Any Law, Usage or Custom to the Contrary Notwithstanding. [*Passed August 21.*]

## CHAPTER 143.

RESOLVE ALLOWING £16 TO RICH<sup>d</sup> HUBBARD.

Legislative  
Records of the  
Council, xiii.,  
406.

Legislative  
Records of the  
Council, xiii.,  
406. House  
Journal, p. 95.

*Resolved* that the Sum of Sixteen Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Richard Hubbard Door Keeper to this Court for the Cloathing of him in Mourning upon the sorrowful Occasion of his late Maj<sup>ty</sup>s Death. [*Passed August 21.*]

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## CHAPTER 144.

## ORDER DIRECTING THE COMMISSIONERS OF IMPOST TO REFUND THE DUTY ON TWO DECEASED NEGROS.

Legislative  
Records of the  
Council, xiii.,  
407.

House Jour-  
nal, p. 93.  
Province  
Laws, i., 578,  
chap. 10.

A PETITION of Andrew Trent & Benoni Waterman of the Island of Barbados Merchants, Shewing, that on the 31<sup>st</sup> of May last they arrived at Boston in the Sloop Martha Edward Cooper Master from Barbados aforesaid, having sundry Negroe Slaves aboard as their Property, & Pursuant to the Law of this Province, they entered the same at the Impost Office & paid the Duty of Four Pounds per Head, but so it was that two of the said Negroes died (being the Property of the Petitioners) on the twenty ninth of July last, Praying that they may be allowed, by an Order of this Court to the Commission<sup>r</sup> of Impost, to draw back the Duty of the said two Negroes.

Read &

*Ordered* that the Prayer of the Petition be granted, And that the Commissioner of Impost be & hereby is directed to pay to the Petitioners the Money they have paid for the Duty of the two Dec<sup>d</sup> Negroes within mentioned. [*Passed August 21.*]

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## CHAPTER 145.

ORDER ON THE PETITION OF EBEN<sup>r</sup> BILLING & OTHERS OF STOUGHTON AND WALPOLE.

Legislative  
Records of the  
Council, xiii.,  
407.

House Jour-  
nal, p. 93.

A PETITION of Ebenezer Billing & seven others, Inhabitants of the Town of Stoughton, Setting forth that they live eight Miles from the Place of publick Worship in said Town, & not more than two Miles & an half from the Meeting House in Walpole, Praying that they may be set off from Stoughton & annexed to the Town of Walpole:

Which was accompanied by a Petition of the Select men of Walpole Praying to the same Effect.

Read &

*Ordered* that the Pe[titioners] serve the Town of Stoughton with a Copy of these Petitions, that they shew Cause on the first Day of the next Fall Sessions, why the Prayer thereof should not be granted, And the Petitions are accordingly refer'd to the said Session. [*Passed August 21.*]



## CHAPTER 146.

RESOLVE ALLOWING THE CO. TREAS<sup>R</sup> OF YORK HIS ACCT.

AN ACCOMPT presented by M<sup>r</sup> Daniel Simpson Treasurer of the County of York for the Year 1726, having been laid before the Court of General Sessions of the Peace for the said County, & by the said Court Examined, Approved & Allowed of :

Read & Accepted &

*Ordered* that this Accompt be Allowed. [*Passed August 22.*]

Legislative  
Records of the  
Council, xiii.,  
409.

House Jour-  
nal, p. 97.

## CHAPTER 147.

ORDER ALLOWING JAMES WILLIS A TRIAL OF AN APPEAL FROM A JUDGMENT.

A PETITION of James Willis of Boston Mariner Shewing that he brought an Action against Benjamin Edwards & James Pecker for the Sum of £140 (for the Forfeiture of a Bond by them entered into) at the Inferior Court of Common Pleas for the County of Suffolk held in January last, which was tried at the Court in July last (the Petitioner being then in the Province of New Hampshire) and Judgement went for the Defendants; From which the Petitioner appealed to the next Superior Court of Judicature, but so it was, that the Petitioners Attorney M<sup>r</sup> George Hughes was taken ill and obliged to be in the Country, by which means the Petition<sup>r</sup> failed of filing his Reasons of Appeal till the Time was elapsed, and a Complaint was entered against him at the Superior Court by the Defendants, praying Confirmation of the former Judgem<sup>t</sup> with additional Costs; And therefore Praying that he may be impowered to have a Trial of his Appeal at the next Superior Court, & that the Proceedings on the said Complaint may be staid in the mean time, & that the Costs may attend the final Event of the said Action.

Read &

*Ordered* that the Prayer of the Petition be so far granted, as that the Petitioner be allowed a new Trial of his Appeal, And that the Justices of the Superior Court of Judicature be impowered & directed at their next Session to be holden for the County of Suffolk to hear & determine the said Appeal accordingly, Provided the Petitioner file his Reasons of Appeal at the Time appointed by Law, & that he serve the adverse Party with a Copy of this Order at least fourteen Days before the Sitting of the said Court, the Petitioner to pay the Costs hitherto arisen in the said Cause, Any Law, Usage or Custom to the Contrary Notwithstanding. [*Passed August 22.*]

Legislative  
Records of the  
Council, xiii.,  
410.

House Jour-  
nal, p. 98.

## CHAPTER 148.

VOTE DIRECTING THE TOWN OF SPRINGFIELD TO PRODUCE GRANTS AND MAP OF LAND.

*Voted* That the Town of Springfield be Notified by their Representative to produce and lay before this Court at the next Fall Session Copys of the Grant made by the Court unto them as also a plat of that part

Legislative  
Records of the  
Council, xiii.,  
410. Mass.

Archives,  
cxlii., 719.

House Jour-  
nal, p. 98.

of their Township which lies on the East Side of Connecticut River that so the Court may take order respecting any province Land if any there be that lies Contiguous to the said Township. [*Passed August 22.*]

## CHAPTER 149.

RESOLVE ALLOWING £93. 17. 2 TO JOS. BANE.

Legislative  
Records of the  
Council, xlii.,  
411.

House Jour-  
nal, p. 98.

AN ACCOMPT presented by Lient. Joseph Bane of his Service as Interpreter to the Indians at the Truck House at Richmond sixty two Weeks ending the 21<sup>st</sup> of August Curr<sup>t</sup> at 30<sup>/</sup> per Week, Amounting to the Sum of £93. 17. 2.

[Read and]

*Resolved* that the Sum of Ninety three Pounds seventeen shillings & two pence be allowed & paid out of the publick Treasury to the Accountant Joseph Bane in full Discharge thereof. [*Passed August 23.*]

## CHAPTER 150.

VOTE FOR ARMOURERS AT THE TRUCK HOUSES.

Legislative  
Records of the  
Council, xlii.,  
412.

Legislative  
Records of the  
Council, xlii.,  
403. House  
Journal, p. 99.

*Voted* that the Treasurer be desired to procure & agree with some suitable Persons to serve as Armourers at each established Truck House. [*Passed August 23.*]

## CHAPTER 151.

RESOLVE ALLOWING PAYMENT OF COLL. JOHNSON HARMANS MUSTER ROLL.

Legislative  
Records of the  
Council, xlii.,  
412.

House Jour-  
nal, p. 100.  
*Ante*, p. 173,  
chap. 98.

A MUSTER ROLL of the Company of Voluntiers late in His Majestys Service Eastward, under the Command of Coll. Johnson Harman (being a Guard to His Honour the Lienten<sup>t</sup> Governour at the late Meeting of the Indian Tribes at Falmouth) Containing an Accompt of Wages due to them for their Service from the first of July 1727, to the second of August following, Amounting to the Sum of £216. 4. 7 And

An Accompt presented by the said Coll. Harman of the Ferriage of the said Company over divers Rivers, the Charge of Transporting their Baggage and other incidental Charges Amounting to the Sum of £12. 10. 8.

[Read, and Accepted and]

*Resolved* that the Sum of Two Hundred & sixteen Pounds four shillings & seven pence be allowed & paid out of the publick Treasury to the Officers & Soldiers born on this Roll to whom the same is respectively due in full discharge of the Wages thereof, And that the further Sum of Twelve Pounds ten shillings & eight pence be allowed & paid out of the publick Treasury to Coll. Johnson Harman to be by him repaid to the Persons to whom the same is respectively due in full Discharge of the said Accompt of Disbursements. [*Passed August 23.*]

## CHAPTER 152.

RESOLVE ALLOWING £221 IN PAYMENT OF Y<sup>R</sup> ATTEND<sup>A</sup> OF THE MEMBERS OF THE COURT ON THE LIEUT. GOV<sup>R</sup> EASTW<sup>D</sup>.

AN ACCO<sup>U</sup>NT presented of the Attendance of divers Members of His Majestys Council, & of the House of Represent<sup>ves</sup> on His Honour the Lienten<sup>t</sup> Govern<sup>r</sup> at the Ratification of the Treaty with the Indians at Falmouth in July & August last, Amounting to the Sum of £224.

[Read and]

*Resolved* that the Sum of Two Hundred & twenty four Pounds be allowed & paid out of the publick Treasury to the Persons to whom the same is respectively due in full Discharge of the within Accompt. [Passed August 23.]

Legislative  
Records of the  
Council, xiii.,  
412.

House Jour-  
nal, p. 99.  
*Ante*, p. 173,  
chap. 98.

## CHAPTER 153.

ORDER DIRECTING THE PURCHASE OF A MOORING CABLE FOR THE LIGHT HOUSE BOAT.

A MEMORIAL of Daniel Russel Esq<sup>r</sup> Commissioner of Impost Setting forth that Cpt. John Hayes Keeper of the Light House informs him that he wants a new Cable to moor the Light House Boat with (the old one being worn out) Praying the Direction of this Court thereon, It being a considerable Article of Charge

Read &

*Ordered* that the Memorialist be directed to provide a suitable Mooring Cable for the said Boat & to sell the old one for the best Advantage for the Use of the Province. [Passed August 23.]

Legislative  
Records of the  
Council, xiii.,  
412.

House Jour-  
nal, p. 99.

## CHAPTER 154.

RESOLVE ALLOWING £147. 15. 11 TO THE WAITERS SERV<sup>TS</sup> &c. AT THE RATIFICATION.

AN ACCO<sup>U</sup>NT of divers Waiters, Servants &c, that attended His Honour the Lienten<sup>t</sup> Govern<sup>r</sup> & the Gentlemen that accompanied him to Falmouth at the Ratification, Amounting to the Sum of £147. 15. 11.

[Read and]

*Resolved* that the Sum of One Hundred & forty seven Pounds fifteen shillings & eleven pence be allowed & paid out of the publick Treasury to the Persons to whom the same is due in full Discharge of the within Accompt. [Passed August 23.]

Legislative  
Records of the  
Council, xiii.,  
413.

House Jour-  
nal, p. 99.  
*Ante*, p. 164,  
chap. 75.

## CHAPTER 155.

RESOLVE ALLOWING PAYMENT OF CPT. RICH<sup>D</sup> BOURNS MUSTER ROLL.

A MUSTER ROLL of a Company of Indians that attended His Honour the Lienten<sup>t</sup> Governor Eastward under the Command of Cpt. Richard Bourn, Containing an Acc<sup>t</sup> of Wages due to them for their Service

Legislative  
Records of the  
Council, xiii.,  
413.

House Journal, p. 100.  
*Ante*, p. 164,  
 chap. 75.

from the 3<sup>d</sup> of July to the 5<sup>th</sup> of August 1727, Amounting to the Sum of £42. 10.

[Read, and Accepted and]

*Resolved* that the Sum of Forty two Pounds ten shillings<sup>1</sup> be allowed & paid out of the publick Treasury to the Officer for his Wages, & to Shubal Gorham Esq<sup>r</sup> to be by him repaid to the Men born on this Roll respectively in ful Discharge thereof. [*Passed August 23.*]

## CHAPTER 156.

### VOTE FOR EXCHANGING INDIAN CAPTIVES FOR ENGLISH PRISONERS.

Legislative  
 Records of the  
 Council, xiii.,  
 413.

Legislative  
 Records of the  
 Council, xiii.,  
 398, 403. House  
 Journal, p. 99.

*Voted* that the Representatives of the Town of Boston be desired & empowered to treat with the Masters of the two Indian Children & agree upon a Price for them in Order to their being had in readiness for an Exchange in Case the five English Captives now in the Hands of the Indians be restored, & make Report to this Court of their Proceedings herein. [*Passed August 23.*]

## CHAPTER 157.

### RESOLVE ALLOWING £4. 10 TO JAC. CLARK.

Legislative  
 Records of the  
 Council, xiii.,  
 413.

House Journal, p. 98.

AN ACCOUNT presented by Lieut. Jacob Clark, of Expence in Riding Express in the Service of the Governm<sup>t</sup> in June last from Richmond to Boston & back, Amounting to the Sum of £4. 0. 10.

[Read and]

*Resolved* that the Sum of Four Pounds & ten pence be allowed & paid out of the publick Treasury to the Accountant Jacob Clark or his Order in full discharge thereof. [*Passed August 23.*]

## CHAPTER 158.

### RESOLVE ALLOWING £66. 13. 4 TO CPT. JOS. HEATH.

Legislative  
 Records of the  
 Council, xiii.,  
 414.

Legislative  
 Records of the  
 Council, xiii.,  
 263. House  
 Journal, p. 100.  
*Ante*, p. 98,  
 chap. 261.

A MEMORIAL of Cpt. Joseph Heath, Setting forth that he was appointed by the General Court to manage the Trade with the Indians at Richmond Fort; which he has faithfully performed. Praying for an Allowance for that Service from the 14<sup>th</sup> of April 1726, to the 21<sup>st</sup> of December following, as also for his Negotiating other Affairs relating to the Indians.

Read [and Accepted] &

*Resolved* that the Sum of Sixty six Pounds thirteen shillings & four pence be allowed & paid out of the publick Treasury to the Memorialist Cpt. Joseph Heath in full of the Services within mentioned. [*Passed August 23.*]

<sup>1</sup> The House Journal reads, £45. 10.

## CHAPTER 159.

RESOLVE ALLOWING £100 TO THE LT GOV<sup>R</sup> FOR HIS NEGOTIATING THE AFFAIRS EASTW<sup>D</sup>.

*Resolved* that the Sum of One Hundred Pounds be allowed & paid out of the publick Treasury to His Honour William Dummer Esq<sup>r</sup> Lieuten<sup>t</sup> Governor & Commander in Chief of this His Majestys Province with the sincere & hearty Thanks of this Court to His Honour for his good Service at the late further Ratification of the Treaty of Peace. [*Passed August 24.*]

Legislative  
Records of the  
Council, xiii.,  
414.House Jour-  
nal, p. 103.  
*Ante*, p. 164,  
chap. 75.

## CHAPTER 160.

RESOLVE ALLOWING £8 TO JOHN WAINWRIGHT ESQ<sup>R</sup> FOR HIS SERVICE EASTW<sup>D</sup>.

*Resolved* that the Sum of Eight Pounds be allowed & paid out of the publick Treasury to John Wainwright Esq<sup>r</sup> for his extraordinary Service as Clerk to His Honour the Lieut. Govern<sup>r</sup> & Council at the further Ratification of the Peace. [*Passed August 24.*]

Legislative  
Records of the  
Council, xiii.,  
414.House Jour-  
nal, p. 103.  
*Ante*, p. 164,  
chap. 75.

## CHAPTER 161.

RESOLVE ALLOWING £160 FOR THE HIRE OF THE MARTHA, GALLEY.

AN ACCOUNT presented by Cpt. Richard Langdon of the Hire of the Ship Martha Galley under his Command, employed to attend His Honour the Lieut. Govern<sup>r</sup> Eastward to the Ratification of the Treaty with the Eastern Indians in July & August last the Time being seven Weeks & four Days, Amounting to the Sum of £160.

[Read and]

*Resolved* that the Sum of One Hundred & sixty Pounds be allowed & paid out of the publick Treasury to the Owners of the said Ship Martha in full Satisfaction & Discharge of her Hire. [*Passed August 24.*]

Legislative  
Records of the  
Council, xiii.,  
414.House Jour-  
nal, p. 101.  
*Ante*, p. 164,  
chap. 75.

## CHAPTER 162.

VOTE ON PET<sup>CON</sup> OF THE N<sup>O</sup> WEST INHAB<sup>TS</sup> OF WOBURN.

A PETITION of the Inhabitants of the North Westerly Part of the Town of Woburn Shewing that the Meeting House for the publick Worship of God in the said Town is situated so as to be very far from the Center of the said Township, & by the Increase of the Inhabitants the House is too small to receive them with Convenience; And for as much as the Petitioners are put to great Difficulties & Inconveniences by reason of their Remoteness, especially in the Winter Season & in stormy Weather; And therefore Praying that either the Meeting House may be removed to the Center of the Town or that the Petitioners may be set off a distinct Township or Precinct, & that

Legislative  
Records of the  
Council, xiii.,  
415.House Jour-  
nal, p. 104.

a Committee of this Court may be appointed to view that Part of the Town, And that they may be set off as follows; viz, To be bounded Westerly two Miles & an half on Lexington Line, on Billerica Line four Miles, to run from the Lines of Lexington & Billerica into the Town of Woburn four miles in Length; The Committee to make their Report to this Court thereon.

Read &

*Voted* that the Petitioners forthwith serve the Town of Woburn with a Copy of this Petition, that so they shew forth their Reasons, if any they have, why the Prayer thereof should not be granted. [*Passed August 24.*]

## CHAPTER 163.

RESOLVE ALLOWING PAYMENT OF CPT. JOS. HEATHS MUSTER ROLL.

Legislative  
Records of the  
Council, xiii.,  
415.

House Jour-  
nal, p. 104.

A MUSTER ROLL of the Garrison in His Majestys Service at the Fort at Richmond under the Command of Cpt. Joseph Heath, Containing an Account of Wages due to them for their Service from Dec. 15. 1726, to Aug 16. 1727, Amounting to the Sum of £385. 19. 6.

[Read and Accepted and]

*Resolved* that the Sum of Three Hundred & eighty five Pounds nineteen shillings & six pence be allowed & paid out of the publick Treasury to Cpt. Joseph Heath to be by him repaid to the Officers & Soldiers to whom the same is respectively due in full Discharge of the Wages thereof. [*Passed August 24.*]

## CHAPTER 164.

RESOLVE ALLOWING £4. 3 TO BENJA WRIGHT.

Legislative  
Records of the  
Council, xiii.,  
415.

House Jour-  
nal, p. 101.

AN ACCOMPT presented by Benjamin Wright of Charges in transporting Indians from Falmouth to St Georges, & for apprehending & subsisting two Deserters, Amounting to the Sum of £8. 13.

[Read and]

*Resolved* that the Sum of Four Pounds three shillings be allowed & paid out of the publick Treasury to the Accomptant Benjamin Wright or his Order in full discharge thereof. [*Passed August 24.*]

## CHAPTER 165.

RESOLVE ALLOWING £6. 2. 6 TO URIAN ANGIER.

Legislative  
Records of the  
Council, xiii.,  
416.

House Jour-  
nal, p. 100.

A PETITION of Urian Angier Praying Allowance of his Accompt of Medicines & Attendance on several sick Soldiers belonging to the Garrison at St Georges River, Amounting to the Sum of £6. 2. 6.

Read [and Accepted] &

*Resolved* that the Sum of Six Pounds two shillings & six pence be allowed & paid out of the publick Treasury to the Accomptant Urian Angier or his Order in full Discharge thereof. [*Passed August 24.*]

## CHAPTER 166.

ORDER ON PETITION OF DIVERS INHAB<sup>TS</sup> OF METHUEN IN REGARD  
TO LOCATION OF A MEETING HOUSE.

A PETITION of John Hastings, James Davis & thirty others of the Town of Methuen, Setting forth the great Difficulties the greatest Part of the Inhabitants will be subject to by the Meeting House standing in the Place appointed by the General Court, And therefore Praying that this Court would be pleased to appoint a Committee further to view the said Town (the other Committee not having been in all the Parts thereof) & to hear all Parties, & then to report their Opinion of the most suitable Place for the said Meeting House to stand in.

Legislative  
Records of the  
Council, xiii.,  
416. Mass.  
Archives, xi.,  
436.

House Jour-  
nal, p. 163.  
*Ante*, p. 160,  
chap. 266.

In the House of Represent<sup>ves</sup>

Read and

*Ordered* that the prayer of the petition be granted so far, as that M<sup>r</sup> Thomas Cushing and Major Chandler with such as the Hon<sup>ble</sup> Board shall appoint be a Com<sup>tee</sup> at the Charge of the pet<sup>rs</sup> to repair to the Town of Methuen, that they View and Consider the scituation and Circumstances of the whole Town in the several parts thereof; and that They Report their opinion to this Court on the first day of the next session where may be the most proper place for the said Town to have the Meeting house for the publick Worship of God therein placed.

In Council Read and Concurd & Samuel Thaxter Esq<sup>r</sup> is joined in the affair above. [*Passed August 24.*]

## CHAPTER 167.

RESOLVE ALLOWING £100 TO THE CHAPLAIN AT Y<sup>E</sup> TRUCK HOUSES.

IN COUNCIL; His Honour the Lieutenant Governor having laid before the Board the Report of the Rev<sup>d</sup> D<sup>r</sup> Cotton Mather, M<sup>r</sup> President Wadsworth & M<sup>r</sup> Joseph Sewall (Pursuant to a Vote of this Court pass'd in July last) Recommending M<sup>r</sup> Moses Hale & M<sup>r</sup> John Sumner to the Office of Chaplains at the Trading Houses Eastward, & signifying that they are willing to undertake that Work upon proper Encouragem<sup>t</sup>

Legislative  
Records of the  
Council, xiii.,  
417.

House Jour-  
nal, p. 167.  
*Ante*, p. 178,  
chap. 111.

*Voted* that a Message be sent down to the Hon<sup>ble</sup> House of Represent<sup>ves</sup> to propose That a suitable and honourable Allowance be made to encourage & support those Gentlemen in that necessary Service.

In the House of Represent<sup>ves</sup> Read &

*Resolved* that the Sum of One Hundred Pounds be allowed & paid out of the publick Treasury for the Support & Encouragem<sup>t</sup> of one of the Persons within mentioned that is willing to enter & continue in the Service within mentioned for twelve Months.

In Council; Read & Concur'd. [*Passed August 25.*]

## CHAPTER 168.

## RESOLVE ALLOWING SUNDRY PAYMENTS TO CPT. SAMUEL HINKES.

A MEMORIAL of Cpt. Samuel Hinkes (with divers Papers accompany- ing it) Praying that he may be now allowed the several Sums stop'd in the Treasury (by an Order of this Court pass'd on his Memorial pre-

Legislative  
Records of the  
Council, xiii.,  
418.

House Jour-  
nal, p. 106.  
*Ante*, p. 162,  
chap. 69.

fer'd at the last May Session) out of the Wages of divers Soldiers of the Garrison at Fort Mary in Consideration of their several Debts to the Memorialist, Which he now proves by the Papers presented to the Court with this Memorial.

Read [and Accepted] &

*Resolved* that Mr Treasurer Allen be & hereby is directed to pay unto Cpt. Samuel Hinkes the Wages due on the said Roll to John Thomas (he having produced the said Thomas's Order therefor), & that the Treasurer pay to the said Hinkes Two Pounds two shillings and seven pence out of the Wages due to Thomas Jones, as by said Jones's Note, And that the Wages due to Josiah Norton & Jacob Pett on said Roll be no longer detained, the said Hinkes not making out the Justice of his Demand on them. [*Passed August 25.*]

## CHAPTER 169.

RESOLVE ALLOWING £65. 7 TO EDM<sup>d</sup> MOUNTFORTH.

Legislative  
Records of the  
Council, xiii.,  
418.

House Jour-  
nal, pp. 105, 106.  
*Ante*, p. 164,  
chap. 75.

AN ACCOUNT presented by Edmund Mountforth of Beef and Mutton bought for His Honour the Lieut. Govern<sup>r</sup> & the Gentlemen accompanying him Eastw<sup>d</sup> Amounting to the Sum of £65. 7.

[Read and Accepted and]

*Resolved* that the Sum of Sixty five Pounds seven shillings be allowed & paid out of the publick Treasury to the Accomptant Edmund Mountforth to be by him repaid to the Persons to whom the same is respectively due in full discharge of the within Account. [*Passed August 25.*]

## CHAPTER 170.

RESOLVE ALLOWING £13. 8. 3 TO RICH<sup>d</sup> GREGORY.

Legislative  
Records of the  
Council, xiii.,  
419.

House Jour-  
nal, p. 105.

AN ACCOUNT presented by Richard Gregory of mending & repairing of Province Arms, Amounting to the Sum of £13. 8. 3.

[Read and]

*Resolved* that the Sum of Thirteen Pounds eight shillings & three pence be allowed & paid out of the publick Treasury to the Accomptant Richard Gregory in full Discharge thereof. [*Passed August 25.*]

## CHAPTER 171.

RESOLVE ALLOWING £6. 14. 4 TO JOHN MARCH.

Legislative  
Records of the  
Council, xiii.,  
419.

House Jour-  
nal, p. 103.  
*Ante*, p. 175,  
chap. 104.

*Resolved* that the Sum of Six Pounds fourteen shillings & four pence be allowed & paid out of the publick Treasury to John March born a Corporal on Cpt. James Woodsides Muster Roll pass'd the 22<sup>d</sup> of June last being so much struck off from said March's Wages in said Roll through Mistake. [*Passed August 25.*]



## CHAPTER 172.

RESOLVE ALLOWING 25/ TO THOMAS WIER AND 80/ TO THOS. TROTT, ETC.

A PETITION of Thomas Wier, Praying, in behalf of him self & four others (Soldiers belonging to the Garrison at Castle William,) who waited on the Lieuten<sup>t</sup> Governor Eastward, an Allowance out of the publick Treasury for their extraordinary Service.

Legislative  
Records of the  
Council, xiii.,  
419.

Read [and Accepted] &

House Jour-  
nal, p. 104.  
*Ante*, p. 164,  
chap. 75.

*Resolved* that the Sum of Twenty five shillings be allowed & paid out of the publick Treasury to Thomas Wier; To Thomas Trott, Samuel Trott, Richard Richardson & John Smith the Sum of Twenty shillings each in full of the respective Services within mentioned. [*Passed August 25.*]

## CHAPTER 173.

RESOLVE ALLOWING £29. 10 TO SHUBAL GORHAM.

AN ACCOMPT presented by Shubal Gorham Esq<sup>r</sup> of two Whale Boats, Oars, Launces, Warps, small Ropes, &c, bought by Order of the Lieutenant Governor for the Use of the Province, Amounting to the Sum of £29. 11.

Legislative  
Records of the  
Council, xiii.,  
419.

[Read and]

House Jour-  
nal, p. 108.

*Resolved* that the Sum of Twenty nine Pounds & ten shillings<sup>1</sup> be allowed & paid out of the publick Treasury to Shubal Gorham Esq<sup>r</sup> to be by him repaid to the Persons to whom the same is respectively due in full Discharge thereof. [*Passed August 26.*]<sup>2</sup>

## CHAPTER 174.

RESOLVE ALLOWING £15 TO CPT. SAM<sup>LL</sup> JORDAN.

AN ACCOMPT presented by Cpt. Samuel Jordan of his Time & Expence in attending at several Times on the Orders of the Government & Officiating as Interpreter to the Eastern Indians in the months of June & July last, Amounting to the Sum of £15.

Legislative  
Records of the  
Council, xiii.,  
420.

[Read and]

House Jour-  
nal, p. 105.

*Resolved* that the Sum of Fifteen Pounds be allowed & paid out of the publick Treasury to Cpt. Samuel Jordan in full Satisfaction & discharge of the within Acc<sup>t</sup>. [*Passed August 26.*]

## CHAPTER 175.

RESOLVE ALLOWING £60 TO SAR. FELT &c.

A PETITION of Sarah Felt, Tamosin Ham & Ann Ham, Shewing that Joseph Felt the Petition<sup>r</sup> Sarahs Husband was about five Years since killed by the Indian Enemy at North Yarmouth within this Province,

Legislative  
Records of the  
Council, xiii.,  
420.

<sup>1</sup> The House Journal reads, £29. 11.

<sup>2</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is August 25.

House Journal, p. 107.

& she carried away by the said Indians, & has undergone a miserable Captivity in their Hands, that the other Petitioners were taken by the Indians about four years since & remained in their Hands till very lately they obtained their Release at the Expence of several Hundreds of Pounds & being reduced to very necessitous Circumstances. Therefore Praying the compassionate Consideration and Relief of this Court by an Allowance out of the publick Treasury.

Read &

*Resolved* that the Sum of Sixty Pounds be allowed & paid out of the publick Treasury to the Petitioner Sarah Felt, to enable her to reimburse the Charges arisen in obtaining her Redempton & getting Home again. [*Passed August 26.*]

## CHAPTER 176.

RESOLVE APPOINTING A COMMITTEE FOR BURNING DEFACED BILLS OF CREDIT.

Legislative Records of the Council, xiii., 421.

House Journal, p. 109.

In the House of Representatives

*Resolved* that M<sup>r</sup> Ezekiel Lewis, M<sup>r</sup> Thomas Cushing, M<sup>r</sup> Chever. Jonathan Remington Esq<sup>r</sup> Joseph Wadsworth Esq<sup>r</sup> M<sup>r</sup> Stephen Hall & Nathaniel Green Esq<sup>r</sup> with such as the Hon<sup>ble</sup> Board shall appoint be a Committee to take an Account in the Recess of the Court of all such Bills & such only as are unfit for Service now in the Treasury & burn the same to Ashes, And to make Report of their Doings to this Court at their next Session: In Council: Read & Concur'd, And Nathaniel Byfield, Addington Davenport, Thomas Fitch, Jonathan Belcher & Daniel Oliver Esq<sup>rs</sup> are joined in the Affair. [*Passed August 26.*]

## CHAPTER 177.

RESOLVE ALLOWING £16. 14. 8 TO SAM<sup>l</sup>. KNEELAND.

Legislative Records of the Council, xiii., 421.

House Journal, p. 108.  
*Ante*, p. 164,  
chap. 75.

AN ACCOUNT presented by Samuel Kneeland of Paper, Printing & Stitching 400 Copies of the Conference between His Honour the Lieut. Govern<sup>r</sup> & the Eastern Indians. Amounting to the Sum of £16. 14. 8.

[Read and]

*Resolved* that the Sum of Sixteen Pounds fourteen shillings & eight pence be allowed & paid out of the publick Treasury to the Accountant Samuel Kneeland in full Discharge of the above Account. [*Passed August 26.*]

## CHAPTER 178.

RESOLVE ALLOWING PAYMENT OF LIEUT. JOHN ROBINS'S MUSTER ROLL.

Legislative Records of the Council, xiii., 421.

House Journal, p. 106.

A MUSTER ROLL of the Guard allowed to Thomas Westbrook Esq<sup>r</sup> &c in getting Masts for His Majestys Navy, under the Command of Lieut. John Robbins, Containing an Acc<sup>t</sup> of Wages due to them for their Service from Dec. 16. 1726, to May 31. 1727, Amounting to the Sum of £114. 10. 4.

[Read and Accepted and]

*Resolved* that the Sum of One Hundred & fourteen Pounds ten shillings & four pence be allowed & paid out of the publick Treasury to John Robbins to [be]<sup>1</sup> by him repaid to whom the same is respectively due in full discharge of the Wages thereof. [*Passed August 28.*]

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## CHAPTER 179.

RESOLVE ALLOWING PAYMENT OF THE MUSTER ROLL OF THE GARRISON AT S<sup>t</sup> GEORGES, CPT. GYLES'S & CPT. THOS. SMITH'S ACC<sup>TS</sup>.

A MUSTER ROLL of the Garrison in His Majestys Service at the Block House on S<sup>t</sup> Georges River under the Command of Cpt. John Gyles Containing an Acc<sup>t</sup> of Wages due to them for their Service from November 25. 1726, to Aug. 17. 1727, Amounting to the Sum of £463. 10. 11 And an Accompt presented by Cpt. Gyles of Disburse<sup>ts</sup> on the Indian Chiefs, Amounting to the Sum of £21. 16. 5.

Legislative  
Records of the  
Council, xiii.,  
422.

House Jour-  
nal, p. 109.

[Read and Accepted and]

*Resolved* that the Sum of Four Hundred & sixty three Pounds ten shillings & eleven pence be allowed & paid out of the publick Treasury to the Officers & Soldiers born on the within Roll in full Discharge thereof; And that the Sum of Twenty one Pounds sixteen shillings & five pence be allowed & paid out of the publick Treasury to the Accomptant Cpt. John Gyles in full Discharge of the Accompt herewith presented, And that the further Sum of Eleven Pounds three shillings be allow'd & paid to Cpt. Thomas Smith in full for the Wages of his Servant, as enter'd in the within Roll. [*Passed August 28.*]

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## CHAPTER 180.

VOTE ON CPT. JOHN GYLES'S INDENT.

AN INDENT presented by Cpt. John Gyles of several Stores necessary at the Block House at S<sup>t</sup> Georges under his Command.

Read [and Accepted] &

*Resolved* that the Treasurer be directed to supply the above Particulars. [*Passed August 28.*]

Legislative  
Records of the  
Council, xiii.,  
422.

House Jour-  
nal, p. 109.

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## CHAPTER 181.

VOTE ALLOWING CENTINEL'S PAY TO CAPT. THOS. SMITH'S SERVANT AND FORBIDDING HIM, AS TRUCK MASTER, TO GIVE CREDIT TO THE INDIANS.

A PETITION of Cpt. Thomas Smith Truck Master at S<sup>t</sup> Georges River, Praying the Direction of the Court, Whether he may be allowed to give Trust to the Indians in their Trade or not, And that his Servant, who is very useful & necessary to him in his publick Business, may be allowed Centinels Pay with the Garrison Soldiers.

Legislative  
Records of the  
Council, xiii.,  
422.

House Jour-  
nal, p. 109.

Read & In Answer to this Petition,

*Voted* that the Memorialist be permitted to have a Servant to assist him in carrying on his Business as Truck Master at the Block house at S<sup>t</sup> Georges, And that he be allowed Centinels Pay, That His Honour

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiii., 422.

the Lieut. Govern<sup>r</sup> be desired to dismiss one of the Soldiers now in the Pay of the Governm<sup>t</sup> there, And that the Memorialist be forbid to trust or give Credit to the Indians for any Goods sold to them upon any Pre-  
tence whatsoever. [*Passed August 28.*]

## CHAPTER 182.

RESOLVE LIMITING THE REDUCTION OF CPT. THO. SMITHS PAY TO  
£13. 2. 3.

Legislative  
Records of the  
Council, xiii.,  
423.

Legislative  
Records of the  
Council, xiii.,  
326. House  
Journal, p. 110.

A MEMORIAL of Cpt. Thomas Smith, Shewing that whereas the House were pleased at the last Session of this Court to pass a Resolve for deducting the Sum of £27. 10. 11, from the Memorialists Salary on the Account of so much advanced to him (upon his going down to S<sup>t</sup> Georges River as Truck Master) by the Treasurer, the said Money was laid out partly for Provisions & Liquors, & partly for Medicines, Paper &c. That he has been subsisted for many Months on the said Provisions without receiving any thing allowed by the Province to the Garrison there. And therefore Praying that the House would reconsider their said Vote, & that no Deduction may be made from his stated Salary for the Stores taken up as aforesaid.

Read [and Accepted] &

*Resolved* that no more than Thirteen Pounds two shillings & three pence be stop'd or deducted out of the Pay of the Memorialist, The Remainder to be paid him by the Treasurer, Pursuant to the former Resolve of this Court. [*Passed August 28.*]

## CHAPTER 183.

RESOLVE ALLOWING £127. 16 TO JON<sup>A</sup> WILLIAMS.

Legislative  
Records of the  
Council, xiii.,  
425.

Legislative  
Records of the  
Council, xiii.,  
400. House  
Journal, p. 108.

AN ACCOUNT presented by Jonathan Williams of Wine supplied to the Regiments on the Day His Majesty King George the Second was proclaimed, as likewise of Wine supplied the Council Chamber at the same Time Amounting to the Sum of £127. 16.

[Read and]

*Resolved* that the Sum of One Hundred & twenty seven Pounds sixteen shillings be allowed and paid out of the publick Treasury to Jonathan Williams in full Discharge thereof. [*Passed August 29.*]

## CHAPTER 184.

RESOLVE ALLOWING £97. 12. 1 TO SHER. WINSLOW.

Legislative  
Records of the  
Council, xiii.,  
426.

Legislative  
Records of the  
Council, xiii.,  
400. House  
Journal, p. 110.

AN ACCOUNT presented by Edward Winslow Esq<sup>r</sup> of sundry Charges & Disbursements attending the Solemnity of proclaiming His Majesty King George the Second, Amounting to the Sum of £101. 17. 11.

[Read and]

*Resolved* that the Sum of Ninety seven Pounds twelve shillings & one penny be allowed & paid out of the publick Treasury to the Accountant Edward Winslow to be by him repaid to the Persons to whom the same is respectively due in full Discharge of the above Account. [*Passed August 29.*]

## CHAPTER 185.

## RESOLVE FORBIDING TRUCK MASTERS TRUSTING THE INDIANS.

*Resolved* that the Truck masters to the Indians in the Service of the Province be forbid to trust or give Credit to the Indians for Goods sold them upon any Pretence whatsoever, And also that all the Officers & Soldiers in the Pay of the Government, & all other Persons belonging to the Forts & Garrisons where the Indians come to trade be & hereby are in like manner forbid to trade or traffick with or trust or give Credit to the Indians upon any Pretence whatsoever. [*Passed August 29.*]

Legislative  
Records of the  
Council, xiii.,  
426.

House Jour-  
nal, p. 109.  
*Ante*, p. 139,  
chap. 181.

## CHAPTER 186.

ORDER IMPOWERING TIM<sup>O</sup> PROUT & OTHERS TO CONTEST AN ACCOUNT  
AND ORDERING STAY OF EXECUTION.

A PETITION of Philip Hedman, Timothy Prout & Henry Gibbons Merchants, Shewing that whereas they obtained a Judgement of the Superior Court against Nathaniel Mason for £1,000 or that he should in ten Months after render to the Petitioners a just Accompt of the Produce of the Cargoe of the Ship Eagle whereof they were Owners & the said Mason Master; Elisabeth Mason Wife to the said Nathaniel has given in an Accompt to the said Court which has no Face of Truth & is calculated purely to evade the Judgem<sup>t</sup> the Petitioners had obtained, that the said Mason had recovered of the Petitioners £72. 10. 5 That notwithstanding the Falseness & Imperfection of the said Masons Accompt, the Court denied to award to the Petitioners Execution for the £1,000 against the said Mason, according to the first mentioned Judgement, & did award Execution against the Petitioners on the Judgem<sup>t</sup> obtained by the said Mason for £72. 10. 5 as aforesaid, And therefore Praying that they may be empowered by an Order of this Court, to contest the Validity & Sufficiency of the said Accompt rendered by the said Elisabeth Mason, & that Execution on the said £72. 10. 5 may be staid to wait the Event of their Trial, or that they may be otherwise relieved as to the Wisdom & Justice of this Court may seem most fitting.

Legislative  
Records of the  
Council, xiii.,  
428.

House Jour-  
nal, p. 113.

Read &

*Ordered* that the Petitioners be & hereby are empowered by Writ of Review to contest in the Law before the next Superior Court of Judicature to be holden at Boston within & for the County of Suffolk the Accompt of Sales of the Cargoe of the Ship Eagle & the Accompt Current of the Owners of the said Ship given in to the Superior Court the last Day of May 1726, by Elisabeth Mason as Attorney to Nathaniel Mason & to have the Benefit of a Jury thereon; And further

*Ordered* that in the mean time no Execution issue out of the Clerks Office of the said Court in Favour of the said Mason upon a Judgem<sup>t</sup> obtained by him against the Petitioners at the last Superior Court held at Boston this present Month of August 1727, for the Sum of Seventy two Pounds ten shillings & five pence, until such Time as the said Nathaniel Mason or his Attorney give sufficient Security to respond [to] any Judgem<sup>t</sup> that the Petitioners may recover on the Review so far as the said Sum of £72. 10. 5 will reach, Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed August 30.*]

## CHAPTER 187.

RESOLVE ON QUEST. ON THE ACT ABOUT WRITS &c IN THE LATE  
KINGS NAME.Legislative  
Records of the  
Council, xiii.,  
429.House Jour-  
nal, p. 113.  
Province  
Laws, ii., 436,  
chap. 16.

THE FOLLOWING QUESTION was put upon the Act for preventing & removing of all Doubts about Writts, Processes & Precepts issued in the Name & Style of His late Majesty King George, viz, Whether Executions issued before the News of his late Majestys Demise & not yet served are still in Force & the proper Officers have Power to serve the same without Alteration?

*Resolved* in the Affirmative & that the Law ought so to be understood. [*Passed August 30.*]

## CHAPTER 188.

VOTE ABOUT CPT. JOHN GYLES AS INTERPRETER &amp;c.

Legislative  
Records of the  
Council, xiii.,  
430.Executive  
Records of the  
Council, ix., 6.  
House Jour-  
nal, p. 115.

*Voted* that a Message be sent to His Honour the Lienten<sup>t</sup> Govern<sup>r</sup> to desire His Honour would please to give it in his Orders to Cpt. John Gyles Commander of the Forces at the Truck House on S<sup>t</sup> Georges River that he give all necessary Aid & Assistance in taking the Care of & securing any Goods or Stores belonging to the Province that may be carried to or ship'd from that Truck House, And that His Honour would also give his Directions to the said Cpt. Gyles (who is employed in the Service of this Province as an Interpreter to the Indian Affairs) that he truly & faithfully intends & discharges his Duty & Trust as Interpreter in the Indian Affairs, more especially in interpreting & assisting in the Truck Trade at the said House: And for the Encouragement of the said Cpt. John Gyles to discharge the Trust reposed in him as Interpreter as aforesaid;

*Resolved* that the Sum of Four Pounds per Month be allowed & paid out of the publick Treasury to him from the Commencem<sup>t</sup> of this Vote during his Continuance in the aforesaid Service. [*Passed \* August 30.*]

## CHAPTER 189.

RESOLVE ALLOWING £61. 16. 6 TO REB. HOLMES.

Legislative  
Records of the  
Council, xiii.,  
430.Legislative  
Records of the  
Council, xiii.,  
400. House  
Journal, p. 114.

AN Accom<sup>t</sup> presented by Rebecca Holmes Taverner of sundries delivered to the Comm<sup>tees</sup> of the General Court in July last & to Committees at this present Session, Dining 135 Gentlemen on the Day that the King was proclaimed, & Drink supplied the Gentlemen in the Council Chamber on the Evening of that Day, Amounting to the Sum of £68. 16. 6.

[Read and Accepted and]

*Resolved* that the Sum of Sixty one Pounds sixteen shillings & six pence be allowed & paid out of the publick Treasury to the Accom<sup>t</sup> Rebecca Holmes in full discharge thereof. [*Passed August 30.*]

## CHAPTER 190.

RESOLVE ALLOWING £29. 12. 6 TO LUKE VARDY.

AN ACCOMPT presented by Luke Vardy of Dining the House of Representatives on the Day that His Majesty was proclaimed at Boston, Amounting to the Sum of £33. 18. 6.

[Read and Accepted and]

*Resolved* that the Sum of Twenty nine Pounds twelve shillings & six pence be allowed & paid out of the publick Treasury to the Accompt Luke Vardy in full Discharge thereof. [*Passed August 30.*]

Legislative  
Records of the  
Council, xiii.,  
430.

Legislative  
Records of the  
Council, xiii.,  
400. House  
Journal, pp.  
112, 113.

## CHAPTER 191.

RESOLVE ALLOWING £3. 7. 10 TO W<sup>M</sup> DOAK.

A PETITION of William Doak of Boston Shewing that he served in the Quality of a Steward during His Honour the Lieuten<sup>t</sup> Govern<sup>rs</sup> Conferences at Falmouth with the Eastern Indians in delivering Liquors, Provisions &c Praying that some Advance may be made to his Wages in the Muster Roll of Cpt. Richard Langdon.

Read & In Answer to this Petition,

*Resolved* that the Sum of Three Pounds seven shillings & ten pence be allowed & paid out of the publick Treasury to the Petition<sup>r</sup> William Doak, Which with what was allowed on the Portlage Bill of the Ship Martha Galley Richard Langdon Master that carried His Honour to meet the Indians at the Conference, will make the Petitioners Allowance equal to the other Tenders. [*Passed August 30.*]

Legislative  
Records of the  
Council, xiii.,  
430.

House Jour-  
nal, p. 115.  
*Ante*, p. 133,  
chap. 161.

## CHAPTER 192.

RESOLVE ALLOWING £4 TO COLL. JOHNSON HARMAN.

AN ACCOMPT presented by Coll. Johnson Harman of extraordinary Charges in enlisting Soldiers & of Expences in travelling with his Company to Falmouth, Amounting to the Sum of £4.

[Read and]

*Resolved* that the Sum of Four Pounds be allowed & paid out of the publick Treasury to Coll. Johnson Harman in full Discharge thereof. [*Passed August 30.*]

Legislative  
Records of the  
Council, xiii.,  
431.

House Jour-  
nal, p. 115.  
*Ante*, p. 133,  
chap. 75.

## CHAPTER 193.

RESOLVE ALLOWING £12 TO EDM<sup>D</sup> MOUNTFORTH.

AN ACCOMPT presented by Edmund Mountforth of his Service in delivering out Stores on board the Martha Galley in her late Voyage to attend the Lient. Govern<sup>r</sup> Eastward, Amounting to y<sup>e</sup> Sum of £12.

[Read and]

*Resolved* that the Sum of Twelve Pounds be allowed & paid out of the publick Treasury to the Accountant Edmund Mountforth in full Discharge thereof. [*Passed August 30.*]

Legislative  
Records of the  
Council, xiii.,  
431.

House Jour-  
nal, p. 115.  
*Ante*, p. 133,  
chap. 161.

## CHAPTER 194.

VOTE IMPOWERING CPT. JOHN GYLES TO MAKE REPAIRS ON THE  
BLOCK HOUSE AT ST. GEORGE'S RIVER.

Legislative  
Records of the  
Council, xlii.,  
431.

House Jour-  
nal, p. 114.

A MEMORIAL of Cpt John Gyles, Shewing that the Block House at  
St Georges River under his Command is much out of Repair & Pray-  
ing the Directions of this Court about it.

Read [and Accepted] &

*Voted* that Cpt. John Gyles & Cpt. Smith be directed & impowered  
to effect the necessary Repairs according to the Committees Report.  
[*Passed August 30.*]

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## CHAPTER 195.

RESOLVE ALLOWING £60 TO JOS. TAR.

Legislative  
Records of the  
Council, xlii.,  
431.

House Jour-  
nal, p. 114.

AN ACCOUNT presented by Joseph Tar of the Hire of his Sloop & the  
Men belonging to her in the Service of the Province to carry Stores,  
& transport the Indians &c, Amounting to the Sum of £80.

[Read and]<sup>1</sup>

*Resolved* that the Sum of Sixty Pounds be allowed & paid out of the  
publick Treasury to the Accountant Joseph Tar in full Discharge of  
the Services within mentioned. [*Passed August 30.*]

<sup>1</sup> The committee's report was not accepted.



## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE FOURTH DAY OF OCTOBER, A.D. 1727.

## CHAPTER 196.

RESOLVE ALLOWING £6. 10 TO ENOCH WISWALL.

A PETITION of Enoch Wiswall, Shewing that he attended as a Waiter on the Gentlemen of the Council at the late Ratification of the Peace at Falmouth, for which he has had no Consideration (being omitted in the Acc<sup>t</sup>) Praying an Allowance from this Court for y<sup>e</sup> same.

Read and

*Resolved* That the Sum of Six pounds, ten shillings be allowed and paid out of the publick Treasury to the petitioner Enoch Wiswall being for Twenty Six days Service at five shillings p diem. [*Passed October 5.*]

Legislative  
Records of the  
Council, xiii.,  
434. Mass.  
Archives, cv.,  
122, 123.

Mass.  
Archives, cv.,  
121. House  
Journal, pp.  
118, 119. *Ante*,  
p. 191, chap.  
154.

## CHAPTER 197.

VOTE ABOUT THO. MOOR'S HEMP.

TWO CERTIFICATES sign'd Joseph Hill Survey<sup>r</sup> of Hemp that Thomas Moor of Sudbury had brought to Market Five Hundred & thirty Pounds of good Hemp according to Law being produced, And the House being well satisfied that the said Moor is now labouring under such Indisposition that he is not able to go to the Province Treasurer to take the Oath by Law prescribed in Order to entitle him to the Bounty of the said Hemp;

*Voted* That it shall be lawfull for one or more of the Justices of the peace for the County of Middlesex to Administer the proper Oath to the said Thomas More respecting the Growth and Quality of the said Hemp, and upon the producing of Such Oath to M<sup>r</sup> Treasurer, he is hereby ordered and directed to pay the Premium by Law established accordingly, any Law usage or Custom to the Contrary notwithstanding. [*Passed October 5.*]

Legislative  
Records of the  
Council, xiii.,  
434. Mass.  
Archives, i.,  
90.

House Jour-  
nal, p. 129.  
Province  
Laws, ii., 362,  
chap. 7.

## CHAPTER 198.

VOTE FOR SENDING TO ENGLAND FOR WEIGHTS & MEASURES.

WHEREAS this House is informed that several of the Brass & Copper Weights formerly sent out of England with Certificate from His Majestys Exchequer to be approved Winchester Measure according to the

Legislative  
Records of the  
Council, xiii.,  
435. Mass.

Archives,  
cxix., 300.

House Jour-  
nal, pp. 119, 120.

Standard of the Exchequer, are either lost or mislaid, whereby many Inconveniencies may arise for want thereof;

*Voted* That Mr Treasurer Allen be and hereby is impowred and directed as soon as may be to send to England and procure such weights and Measures as are found to be wanting whether of Brass or Copper, and that the person that purchases the same be desired to procure a Certificate from His Majesties Exchequer that the said Weights & Measures have been approved Winchester Measure according to the Standard of the Exchequer, to the End that Weights and Measures may be One & the same throughout this province. [*Passed October 5.*]

## CHAPTER 199.

RESOLVE ALLOWING £3. 2 TO JON<sup>A</sup> CRAFT.

Legislative  
Records of the  
Council, xiii.,  
435. Mass.  
Archives,  
lxxii., 296.

House Jour-  
nal, p. 116.  
*Ante*, p. 190,  
chap. 151.

WHEREAS Jonathan Craft Servant to William Clark of Roxbury was in the Service of this Province at the late Ratification of the Peace as a Soldier under Coll. Harman, but omitted in the Roll;

*Resolved* That Soldiers pay for the whole Time Viz<sup>t</sup> Three pounds two shillings be allowed and paid out of the publick Treasury to the said William Clark in full for the said Crafts Wages. [*Passed October 5.*]

## CHAPTER 200.

ORDER GRANTING A LICENSE TO JUDAH RICHARDS TO SELL LIQUOR.

Legislative  
Records of the  
Council, xiii.,  
435. Mass.  
Archives, cxi.,  
95, 96.

Mass.  
Archives, cxi.,  
94. House  
Journal, p. 119.  
Province  
Laws, li., 415,  
chap. i.

A PETITION of Judah Richards of Dedham within the County of Suffolk Widow, Shewing that in September last she obtained the Approbation of the Select men of the said Town to be a Retailer of strong Liquors for the Year Currant, but being informed that according to the Method of the Law she can not have a Licence from the Court of General Sessions of the Peace at any other Time but at the Term in July, Therefore Praying that by the Authority of this Court, the Justices may be impowred to grant her a Licence at their next Session.

Read and

*Ordered* That the prayer of the Petition be granted and the Justices of the peace for the County of Suffolk in their present Session be and hereby are Authorized and impowred (if they see Cause) to grant a Licence to the petitioner to be a Retailer of Strong Liquors in the Town of Dedham, the Time by Law appointed for granting Licences this present year being elapsed or any other Law Usage or Custom to the contrary Notwithstanding. [*Passed October 5.*]

## CHAPTER 201.

ORDER GRANTING A LICENSE TO THO. WESTON TO KEEP A TAVERN.

Legislative  
Records of the  
Council, xiii.,  
436. Mass.  
Archives, cxi.,  
91.

A PETITION of Tho. Weston of Reading Shewing that he has obtained the Allowance of the Select men of the said Town for his Keeping a publick House, but that he has this Year been denied a Licence from the Justices of the County of Middlesex (tho he has had it for many

Years past) which he apprehends is through some Mistake, And therefore Praying that the Justices of the said County may be impowered at their next Court of General Sessions of the Peace to grant him a Licence to be a Taverner for the remaining Part of the Year.

Read and

*Ordered* That the prayer of the petition be granted, and that it shall be lawfull for the Justices of the peace for the County of Middlesex in their next General Sessions of the peace (if they see Cause) to grant a Licence to the petitioner to be a Taverner in Reading, The Time by Law Appointed for granting Licences this present year being elapsed or any other Law Usage or Custom to the contrary notwithstanding. [*Passed October 5.*]

Mass.  
Archives, cxi.,  
30, 32, 33.  
House Jour-  
nal, p. 129.  
Province  
Laws, II., 415,  
chap. 1.

## CHAPTER 202.

ORDER ON THE PETITION OF THE HEIRS OF RICH<sup>d</sup> MIDDLECOT ESQ<sup>r</sup>  
DEC<sup>d</sup> FOR A DIVISION OF THE ESTATE.

ON THE PETITION of Elisha Cook Esq<sup>r</sup> & others the Children & Heirs of Richard Middlecot Esq<sup>r</sup> Dec<sup>d</sup> [*ante*, p. 120, chap. 319]

In Council; Read again & It appearing that the Represent<sup>ves</sup> of M<sup>rs</sup> Mary Haggat Dec<sup>d</sup> were duly & seasonably served with Copies of this Petition;

*Ordered* that the Prayer of this Petition be so far granted, as that Stephen Minot & Nathaniel Green Esq<sup>rs</sup> & M<sup>r</sup> Timothy Prout (Freeholders of the Town of Boston) be & hereby are fully impowered to lay out upon Oath the Pasture or Parcel of Land mentioned in the Petition into four equal Parts or Shares with such Ways through the said Land as shall be by them thought sullicient & for the Benefit of the Persons concerned, And that they also lay out the other Part of the Estate of Richard Middlecot Esq<sup>r</sup> Dec<sup>d</sup> into four equal Parts, & divide the said Pasture & other Real Estate by Lot to & among the Children & Heirs of the said Richard Middlecot, who shall hold their Parts of the said Pasture with all Rights of Ways & Passages thereto belonging & also their Parts of the other Real Estate in Severalty to them their Heirs & Assigns for ever.

In the House of Represent<sup>ves</sup> Read & Concur'd. &

*Ordered* that Joseph Wadsworth Esq<sup>r</sup> & M<sup>r</sup> Thomas Cushing (two Freeholders in Boston) be added to the Freeholders above named, who are also to be upon Oath & are together with the other three Freeholders (or the Major Part of them agreeing) impowered to make the Partition or Division of the Estate within mentioned by Lot, And that the said Partition or Division of the Estate when finished shall be put upon Record in the publick Registry of Deeds for the County of Suffolk; Any Law Usage or Custom to the Contrary Notwithstanding.

In Council, Read & Concur'd. [*Passed October 7.*]

Legislative  
Records of the  
Council, xiii.,  
438.

House Jour-  
nal, p. 122.  
*Ante*, p. 120,  
chap. 319.

## CHAPTER 203.

ORDER GRANTING A LICENSE TO SAM<sup>ll</sup> ANDREWS TO SELL LIQUOR.

A PETITION of Samuel Andrews of Dighton, Shewing that the Select men of the said Town have given him their Approbation for his retailing strong Drink in the said Town, but for as much as the Justices are not by Law impowered to grant a Licence to him at any other Session

Legislative  
Records of the  
Council, xiii.,  
439. Mass.  
Archives, cxi.,  
98.

Mass.  
Archives, xli.,  
97. House  
Journal, p. 121.  
Province  
Laws, ii., 415,  
chap. 1.

but such as is held in the Month of July or next after it; Therefore Praying that by an Order of this Court the Justices of the County of Bristol may be impowred at the next Court of General Sessions of the Peace to grant the Petitioner a Licence to retail strong Drink in the said Town.

Read and

*Ordered* That the prayer of the petition be granted, and that the Justices of the peace for the County of Bristol in their next General Sessions of the peace be Authorized and impowred to grant a Licence if they see Cause to the petitioner to retail Strong Liquors in the said Town. The Time by Law for granting Licences this present year being elapsed, or Any other Law Usage or Custom to the contrary notwithstanding. [*Passed October 7.*]

## CHAPTER 204.

### ORDER ON REPORT ABOUT METHUEN MEETING HOUSE.

Legislative  
Records of the  
Council, xiii.,  
438. Mass.  
Archives, xi.,  
437.

SAMUEL THAXTER Esq<sup>r</sup> from the Committee of both Houses on the Affair of Methuen Meeting House gave in the following Report [*ante*, p. 195, chap. 166] ; Viz,

Mass.  
Archives, xi.,  
436. House  
Journal, p. 122.  
*Ante*, p. 195,  
chap. 166.

PURSUANT to the within Order of the General Court the Committee repaired to Methuen & viewed said Town, & having heard their several Allegations & Pleas, are humbly of Opinion that the Place where it now stands is as suitable a Place as any that can be found to accomodate the whole Town: Which is submitted.

In the Name & by Order of the Commtee

SAM<sup>LL</sup> THAXTER.

Read and

*Ordered* That the Meeting House in Methuen remain where it now stands accordingly. [*Passed October 10.*<sup>1</sup>]

## CHAPTER 205.

### ORDER GRANTING TO SIMON ROGERS A REBATE OF IMPOST DUTY ON A DECEASED NEGRO.

Legislative  
Records of the  
Council, xiii.,  
440. Mass.  
Archives, ix.,  
202.

A PETITION of Simon Rogers Shewing that he bought a Negroe Man named Nick who was imported into this Province the first Day of June last, & died upon the fifteenth day of July last past, which was but six Weeks & two Days from the Time of his Importation And for as much as the Duty of Four Pounds was paid to the Commissioner of the Imposts for the said Negroe, Therefore Praying an Order of this Court to the said Commissioner for his Drawing back the said Sum of Four Pounds for Impost.

Read and

*Ordered* That the prayer of the petition be granted, and that the Commissioner of Impost be directed to repay what Duty he has received for the Importation of the Negroe within named any Law Usage or Custom to the Contrary notwithstanding. [*Passed October 10.*]

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is October 7.

## CHAPTER 206.

ORDER REFERRING PETITION OF JOHN DOAN ESQ<sup>r</sup> & OTHERS OF BILLINGSGATE IN REGARD TO THE MINISTRY TO THE NEXT SESSION.

A PETITION of John Doan Esq<sup>r</sup> & others Inhabitants of the Precinct of Billingsgate within the Town of Eastham, Setting forth That having formerly made Choice of M<sup>r</sup> Josiah Oaks for their Minister, they have voted several Sums of Money for his Support, which has been spent in the Law & otherwise misapplied by a Party among them, who have set them selves in Opposition to the said M<sup>r</sup> Oaks & have endeavoured to thrust him from them; Therefore Praying some Relief from this Court in their distress'd Circumstances.

Read and

*Ordered* That this petition be referred to the next Session for further Consideration, and that the petitioners forthwith Serve the said North precinct in Eastham with a Copy of this petition, that they Shew Cause if any they have why the prayer thereof should not be granted. [*Passed October 10.*]

Legislative  
Records of the  
Council, xlii.,  
441. Mass.  
Archives, xl.,  
439.  
Mass.  
Archives, xl.,  
439 *bis*, 440, 441,  
442 *ter*, 443, 445,  
446, 447, 448,  
449 *bis*, 450, 451,  
452 *bis*, 453, 455,  
457 *bis*, 458, 459,  
460, 461, 462,  
463 *bis*, 464, 465,  
481, 483 *ter*.  
House Jour-  
nal, p. 123.  
Province  
Laws, x., 289,  
chap. 6. *Post*,  
p. 210, chap. 209.

## CHAPTER 207.

ORDER GRANTING TO FRAN. WARDEL A RENEWAL OF HER LICENSE.

A PETITION of Frances Wardel of Boston, Shewing that she has for many years kept an Inn or Tavern in the said Town, that at the Time of renewing Licences in July last the Select men of said Town were pleased to disallow her Licence under a Pretence of her Keeping bad Orders, And so she could not obtain the Approbation of the Justices, That she requested of the said Select men that she may be heard upon any Complaints or Suggestions against her in Order to her Vindication, bnt could not obtain that Favour. And for as much as the Petitioner has been careful to keep the good Laws of the Province for the Govern<sup>t</sup> of her House, & has been always ready to entertain the Courts of Justice, which she has done divers Years to their great Satisfaction; Therefore Praying Relief from this Court, & that the Justices of the County of Suffolk may be empowered at their next General Sessions of the Peace to renew the Petitioners Licence; The Time by Law appointed for granting Licences being expired notwithstanding:

Read &

*Ordered* that the Prayer of this Petition be granted, & that the Justices of the Peace for the County of Suffolk be & hereby are empowered at the next General Sessions of the Peace to be held in October next to renew the Petitioners Licence (If they see Cause) Any Law, Usage or Custom to the Contrary Notwithstanding. [*Passed October 10.*]<sup>1</sup>

Legislative  
Records of the  
Council, xlii.,  
463, 443.  
Mass.  
Archives, cxl.,  
86. House  
Journal, p. 125.  
Province  
Laws, li., 415,  
chap. 1.

## CHAPTER 208.

RESOLVE ALLOWING 31/ TO SAM<sup>LL</sup> JONES.

A PETITION of Samuel Jones of Boston, Shewing that he served at the late Conference with the Eastern Indians as a Waiter on the Lieuten<sup>t</sup>

Legislative  
Records of the  
Council, xlii.,

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is October 11.

442. Mass.  
Archives,  
lxiii., 465.

Mass.  
Archives,  
lxiii., 464.  
House Jour-  
nal, p. 126.  
*Ante*, p. 173,  
chap. 98.

Govern<sup>r</sup> & the Members of the Court & performed the Service as a Drummer, for which he has as yet received but four shillings per Diem, Praying that he may be allowed for his said Service after the rate of six shillings per Diem, which the Court were pleased to allow him for the like Service the last Year.

Read and in Answer to this Petition

*Resolved* That the Sum of Thirty One shillings be allowed and paid out of the publick Treasury to the petitioner in full of the Services within mentioned. [*Passed October 11.*]

## CHAPTER 209.

ORDER REFERRING THE BILLINGSGATE PETITION IN REGARD TO THE MINISTRY TO THE NEXT SESSION.

Legislative  
Records of the  
Council, xlii.,  
442.

House Jour-  
nal, p. 126.  
*Ante*, p. 209,  
chap. 206.

A PETITION of George Williamson Agent for the Inhabitants of the North Precinct in Eastham called Billingsgate Setting forth that they labour under great Dilliculties by the Continuance of M<sup>r</sup> Josiah Oaks among them as a Preacher contrary to the Inclinations of the said People, who have invited an other Minister to preach among them, that the said M<sup>r</sup> Oaks with the Assistance of John Doan Esq<sup>r</sup> & about eight or ten Persons have taken Possession of the Meeting House & shut out the other Inhabitants who have been forced to meet in a private House, tho they are very numerous, By which means & other Managem<sup>ts</sup> of the said M<sup>r</sup> Doan & M<sup>r</sup> Oaks, they are brought into great Distraction & Confusion, Praying for some Relief from this Court.

Read &

*Ordered* that the Consideration of this Petition be refer'd to the first Tuesday of the next Session, And that in the mean time the Petition<sup>rs</sup> serve the said M<sup>r</sup> Josiah Oaks & John Doan Esq<sup>r</sup> &c, the adverse Party with a Copy of the Petition that they then shew Cause why the Prayer thereof should not be granted. [*Passed October 11.*]

## CHAPTER 210.

ORDER IMPOWERING JER. OSGOOD TO FILE A COMPLAINT.

Legislative  
Records of the  
Council, xlii.,  
443. Mass.  
Archives, xli.,  
30.

Mass.  
Archives, xli.,  
29, 32. House  
Journal, p. 129.

A PETITION of Jeremiah Osgood of Haverhill, Shewing that at the Inferior Court of Common Pleas held at Salem for the County of Essex in June 1726, he brought his Action of Debt against Jonathan Dunstan & recovered Judgement thereon for the Sum of Twenty eight Pounds sixteen shillings with Costs, From which Judgem<sup>t</sup> the said Dunstan appealed to the next Superior Court, & enter'd into Recognizance to prosecute the said appeal; but so it happen'd, that a few Days before the Sitting of the said Court the said Dunstan applied him self to the Petitioner, telling him that he had not filed any reasons of Appeal in the said Cause, & should not appear at Court, nor prosecute his Appeal, as will appear by the Writing herewith exhibited. And the Petitioner through his Ignorance of the Law, neglected to file his Complaint, thinking that he might have an Execution without it; And being now without Remedy in the Law. Praying that he may be empowered to file his Complaint at the next Superior Court for the said County for the Affirmation of the said Judgem<sup>t</sup> with additional Costs, And that the

Justices of the said Court may be impowered to Hear & Determine the same, & to give Judgem<sup>t</sup> therein & award Execution thereupon.

Read &

*Ordered* that the Prayer of this Petition be Granted & that the Petition<sup>r</sup> be Impowered to File his Complaint to the Superiour Court of Judicature next to be Holden at Salem for the County of Essex, And the Justices of the s<sup>d</sup> Court are Directed & Authorized to proceed thereon according to Law, Provided the Petition<sup>r</sup> serve the Adverse Party with a Copy of this Order at least fourteen Days before the Sitting of the said Court; Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed October 12.*<sup>1</sup>

## CHAPTER 211.

RESOLVE ALLOWING £149. 12. 6 TO CPT. JN<sup>o</sup> LARRABEE.

AN Accompt presented by Cpt. John Larrabee of the Repairs of His Majestys Castle William with the several Notes for Materials and Work, Amounting to the Sum of £149. 12. 6.

Legislative  
Records of the  
Council, xiii.,  
445.

Read &

*Resolved* that the Sum of One Hundred & forty nine Pounds twelve shillings & six pence be allowed & paid out of the publick Treasury to the Accomptant Cpt. John Larrabee in full Discharge thereof, to be by him repaid to whom the same is respectively due. [*Passed October 12.*

House Jour-  
nal, p. 127.

## CHAPTER 212.

RESOLVE ALLOWING CPT. JOHN HAYES ACCOUNT FOR REPAIRS TO THE LIGHT HOUSE BOAT.

A MEMORIAL of Cpt. John Hayes Keeper of the Light House, Setting forth that on the fifteenth of September, one Bangs in a Sloop from North Carolina ran a Shoar in the Night on the Spit of Sand near the Light House, that he went on board the said Sloop in the Light House Boat to assist in getting her off, that the next Day he brought her safe up to Boston to the Hazard of his Life, that the said Boat being driven ashore in the Storm upon the Rocks near the South Battery, received so much Damage as to be unfit for Service, that by Direction of the Secretary he employed a Boat Builder to repair her, Praying for the Orders of this Court referring to the Payment of the Charges of the said Repairs.

Legislative  
Records of the  
Council, xiii.,  
445. Mass.  
Archives,  
lxiii., 463.

On the within Petition The Committee are of opinion that the Charge of Repairing the Lighthouse Boat be paid out of the Publick Treasury Except Fifteen Pounds thereof which The Comtee are of opinion ought to be paid by the owners or Master of the Sloop within Mentioned.

Mass.  
Archives,  
lxiii., 461.  
House Jour-  
nal, pp. 126, 127.

Read and Accepted and

*Resolved* That the Charge of repairing the said Boat be allowed and paid out of the publick Treasury excepting the sum of Fifteen pounds, The said Accompt being first presented to and allowed by M<sup>r</sup> Treasurer. [*Passed October 12.*

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is October 11.

## CHAPTER 213.

ORDER REFERING THE COHASSET PETITION TO THE NEXT SESSION.

Legislative  
Records of the  
Council, xiii.,  
446. Mass.  
Archives,  
lviii., 297.

Mass.  
Archives,  
lviii., 292, 293,  
294, 295.  
House Jour-  
nal, p. 127.

A PETITION of the Inhabitants of Cohasset Setting forth their great Difficulties by reason of their Remoteness from the Grammar School in the Town of Hingham (of which they are a Precinct) & that they can receive no benefit by the said School in the Education of their Children, altho they are taxed towards the support of it. And therefore Praying that they may have the benefit of the said School, to be kept within their Precinct one third of the Year, or that they may be exempted from paying to the support of that School & allowed to provide a School master to instruct their Children in Writing & Reading.

Read and

*Ordered* That the petition be referred to the next Fall Session and that in the Mean time the petitioners Serve the Town of Hingham with a Copy of the petition that so they may shew Cause on the second Friday of the said Session why the prayer thereof should not be granted. [*Passed October 12.*]

## CHAPTER 214.

RESOLVE ALLOWING 40<sup>s</sup> TO CPT. TIM<sup>o</sup> DWIGHT.

Legislative  
Records of the  
Council, xiii.,  
446.

Legislative  
Records of the  
Council, xiii.,  
353. House  
Journal, p. 127.

*Resolved* that the Sum of Forty shillings be allowed & paid out of the publick Treasury to M<sup>r</sup> Ebenezer Wright to be repaid to Cpt. Timothy Dwight in full for the said Dwights Service & Trouble in giving his Opinion of the Value of certain Lands by Order & for the publick Service lying between Springfield Entfield, Brimfield & the Colony Line. [*Passed October 12.*]

## CHAPTER 215.

ORDER ON MEM<sup>o</sup> ABOUT A MEDIUM OF TRADE REFERRED TO NEXT SESSION.

Legislative  
Records of the  
Council, xiii.,  
447.

House Jour-  
nal, p. 130.

A MEMORIAL of a great Number of the Merchants & Traders within the Town of Boston in behalf of them selves & other Persons in Trade Setting forth that the Trade not only of the said Town but of the Province in General is in a very languishing Condition for want of a Medium to carry it on, the Method of Trading by Truck or Barter being attended with great & insuperable Difficulties, that the Necessities of the People call for a supply of Money for purchasing their daily Bread. Therefore Praying that some Provision may be made for supplying the Trade of this Province with such a Medium as this Court shall think most suitable.

In the House of Represent<sup>ves</sup> Read &

*Ordered* that the Consideration of this Petition & Memorial be refer'd to the next Session of this Court, & that in the mean time, M<sup>r</sup> Lewis, Cpt. Wadsworth, M<sup>r</sup> Hall, M<sup>r</sup> Cushing, Cpt. Green, Cpt. White & M<sup>r</sup> Stacey with such as the Hon<sup>ble</sup> Board shall appoint be a Committee to whom the same is refer'd, That they consider thereof & report their Opinion of what may be proper for this Court to do in Answer



thereto: In Council; Read & Concur'd, & Nathaniel Byfield, Addington Davenport, Thomas Fitch, Edmund Quincy, Jonathan Belcher Daniel Oliver & Charles Chambers Esq<sup>rs</sup> are joined in the Affair. [*Passed October 13.*]

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## CHAPTER 216.

### ORDER SUPERSEDING A WARRANT FOR CALLING A TOWN MEETING AT FRAMINGHAM.

A PETITION of the Select men of the Town of Framingham, Complain of divers unwarrantable Actions & Proceedings of Joseph Buckminster Esq<sup>r</sup> & others referring to the Placing of a Meeting House in the said Town & more especially of a Warrant given out by Francis Bowman Esq<sup>r</sup> for calling a Town Meeting which was clandestinely & illegally obtained, Praying that the said Warrant may be set aside by the Authority of this Court & declared null & void.

Legislative  
Records of the  
Council, xiii.,  
447.

Legislative  
Records of the  
Council, xiii.,  
255. House  
Journal, p. 130.  
*Ante*, p. 68,  
chap. 178.

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the Warrant within refer'd to be superseded. [*Passed October 13.*]

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## CHAPTER 217.

### RESOLVE ALLOWING £22. 6. 3 TO DAN<sup>L</sup> HENCHMAN.

AN ACCOMPT presented by Daniel Henchman Book seller of the Charge of Printing the Sermons of the Rev<sup>d</sup> M<sup>r</sup> Joseph Sewall & M<sup>r</sup> Thomas Prince on the Occasion of the Death of his late Majesty with Paper & Stiching, Amounting to the Sum of £22. 6. 3.

Legislative  
Records of the  
Council, xiii.,  
448.

House Jour-  
nal, pp. 122,  
123.

[Read and]

*Resolved* that the Sum of Twenty two Pounds six shillings & three pence be allowed & paid out of the publick Treasury to the Accomptant Daniel Henchman in full Discharge thereof. [*Passed October 14.*]

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## CHAPTER 218.

### RESOLVE ALLOWING £11. 5. 6 TO BENJ<sup>A</sup> ROLFE.

AN ACCOMPT presented by Benjamin Rolfe of Writing done for the Publick last August & in this Session, Amounting to y<sup>e</sup> Sum of £11. 5. 6.

Legislative  
Records of the  
Council, xiii.,  
449.

[Read and]

*Resolved* that the Sum of Eleven Pounds five shillings & six pence be allowed & paid out of the publick Treasury to the Accomptant Benjamin Rolfe in full Discharge thereof. [*Passed October 14.*]

House Jour-  
nal, p. 132.

## CHAPTER 219.

## RESOLVE ALLOWING £5 TO JOHN MALCOLM.

Legislative  
Records of the  
Council, xlii.,  
449. Mass.  
Archives,  
lxxii., 298.

Mass.  
Archives,  
lxxii., 297.

A PETITION of John Malcolm Shewing that the Petition<sup>r</sup> served as a Soldier at the Eastward during the late War with the Indians, in w<sup>ch</sup> his Leg was broke & Knee Pan put out of Joint, whereby he is render'd uncapable of getting his bread & maintaining his Family, & that which makes his Case more deplorable is that his Son, on whom was his chief Dependence for his support was drown'd in the Service, Therefore Praying the compassionate Consideration of this Court & that he may have an Allowance out of the Treasury or be posted at Brunswick Garrison.

Read and Accepted and

*Resolved* That the Sum of Five pounds be allowed and paid out of the Publick Treasury to the petitioner John Malcom in full of the within petition.<sup>1</sup> [*Passed October 14.*]

## CHAPTER 220.

RESOLVE FOR SUPPLYING THE INDIANS AT WINTER HARB<sup>r</sup>.

Legislative  
Records of the  
Council, xlii.,  
449. Mass.  
Archives,  
xxxi., 149.

Legislative  
Records of the  
Council, xlii.,  
448. House  
Journal, p. 119.

*Resolved* That M<sup>r</sup> Treasurer Allen be and hereby is directed to purchase a Quantity of Goods Suitable for the Supply of the Indians in a Sum not exceeding One Hundred pounds, and Send them to Cap<sup>t</sup> Samuel Jordan to be delivered at his House at Biddeford and by the said Jordan to be sold to the Indians that will purchase the same, and that M<sup>r</sup> Treasurer be directed further to order M<sup>r</sup> Jordan that he conforms to the same Rules & Methods in Selling the said Goods & recieving the value thereof, as the Truck Masters appointed for managing the Indian Trade are obliged to Conform to. [*Passed October 14.*]

## CHAPTER 221.

## RESOLVE ALLOWING £30 TO URIAN ANGIER.

Legislative  
Records of the  
Council, xlii.,  
449.

House Jour-  
nal, p. 131.

A PETITION of Urian Angier, Shewing that he enlisted as a Soldier in the Service Eastward about five Years agoe, During which time he officiated as a Surgeon & Physician to the sick & wounded Soldiers with good Success, & has performed divers considerable Cures; And therefore Praying an Allowance out of the publick Treasury to discharge his Accompt annex'd of Medicines & Administ<sup>ns</sup> Amounting to £60. 15.

Read [and Accepted] &

*Resolved* that the Sum of Thirty Pounds be allowed & paid out of the publick Treasury to the Petition<sup>r</sup> Urian Angier in full Satisfaction & Discharge of the Acc<sup>t</sup> of Medicines, Attendance &c, within refer'd to. [*Passed October 14.*]

<sup>1</sup> Not found in the House Journal.

## CHAPTER 222.

RESOLVE ALLOWING £16. 1. 2 TO D<sup>R</sup> THO. BERRY.

AN ACCOUNT presented by D<sup>R</sup> Thomas Berry of Medicines administer'd to the Gentlemen that attended His Honour the Lieutenant Govern<sup>r</sup> to the late Ratification of the Peace with the Indians at Falmouth, Amounting to the Sum of £16. 1. 2.

Legislative  
Records of the  
Council, xiii.,  
450.

House Jour-  
nal, p. 119.  
*Ante*, p. 173,  
chap. 98.

[Read and]

*Resolved* that the Sum of Sixteen Pounds one shilling & two pence be allowed & paid out of the publick Treasury to the Accomptant Thomas Berry Esq<sup>r</sup> in full discharge thereof. [*Passed October 14.*]



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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1727-28.



# LEGISLATIVE LIST<sup>1</sup>

FOR

1727-28.

THE HONORABLE WILLIAM DUMMER, ESQ., LIEUT. GOVERNOR,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

JOSIAH WILLARD, ESQ.,  
SECRETARY OF THE PROVINCE.

## REPRESENTATIVES OR DEPUTIES.

*November 22, 1727 to April 8, 1728.*

MR. WILLIAM DUDLEY, SPEAKER.

### COUNTY OF SUFFOLK.

*Boston*, . . . Elisha Cook, Esq.,  
                  Mr. Ezekiel Lewis,  
                  Mr. Thomas Cushing,  
                  Mr. Samuel Wells.  
*Roxbury*, . . . William Dudley, Esq.  
*Dorchester*, . . Major Thomas Tileston.  
*Milton*, . . . Mr. Ephraim Tucker.  
*Brantrey*, . . . John Quincy, Esq.  
*Weymouth*, . . Mr. John Torrey.  
*Hingham*, . . . Mr. John Jacobs.  
*Dedham*, . . . Mr. Joseph Ellis.  
*Medfield*, . . . Mr. Joshua Morse.  
*Mendon*, . . . Mr. John Brown.  
*Wrentham*, . . Capt. John Pond.  
*Brooklyn*, . . . Mr. Samuel White.  
*Woodstock*, . . Major John Chandler.

### COUNTY OF ESSEX.

*Salem*, . . . Daniel Epes, Esq.,  
                  Benjamin Marston, Esq.  
*Ipswich*, . . . John Wainwright, Esq.,  
                  Mr. Thomas Choat.

### COUNTY OF ESSEX — *Concluded.*

*Newbury*, . . . Capt. Henry Rolfe.  
*Lynn*, . . . . Mr. Thomas Chever.  
*Marblehead*, . John Oulton, Esq.,  
                  Mr. William Stacey.  
*Haverhill*, . . Mr. James Saunders.  
*Rowley*, . . . Mr. John Hobson.  
*Salisbury*, . . Mr. William True.  
*Glocester*, . . Mr. James Sayward.  
*Andover*, . . . Mr. Timothy Osgood.  
*Topsfield*, . . Mr. Nathaniel Boardman.  
*Beverly*, . . . Mr. John Balch.  
*Wenham*, . . . Mr. Samuel Kimball.  
*Boxford*, . . . Mr. Stephen Peabody.  
*Bradford*, . . . Capt. Jonathan Woodman.  
*Amesbury*, . . Mr. Thomas Hoit.

### COUNTY OF MIDDLESEX.

*Cambridge*, . . Mr. Jonathan Remington.  
*Charlestown*, . Mr. Stephen Hall.  
                  Mr. William Smith.  
*Watertown*, . . Mr. Nathan Fisk.  
*Concord*, . . . Capt. John Flynt.

<sup>1</sup> See Legislative Records of the Council, xiii., 451-453. No Councillors were elected for this year.

COUNTY OF MIDDLESEX—*Concluded.*

*Newtown*, . . . Mr. Richard Ward.  
*Sudbury*, . . . Capt. Ephraim Curtis.  
*Marlboro*, . . . Mr. Caleb Rice.  
*Lancaster*, . . . Mr. Samuel Willard.  
*Groton*, . . . Mr. Benjamin Prescott.  
*Framingham*, . Capt. Edward Goddard.  
*Chelmsford*, . . Mr. Benjamin Adams.  
*Billerica*, . . . Capt. George Brown.  
*Woburn*, . . . Capt. John Fowle.  
*Reading*, . . . Mr. Thomas Bancroft.  
*Malden*, . . . Mr. Jonathan Sergeant.  
*Lexington*, . . . Mr. Benjamin Willington.  
*Weston*, . . . Mr. Joseph Allen.  
*Worcester*, . . . Mr. William Jennison.

## COUNTY OF HAMPSHIRE.

*Springfield*, . Mr. Samuel Day.  
*Northampton*, . Mr. Ebenezer Wright.  
*Hadley*, . . . Mr. Luke Smith.  
*Hatfield*, . . . Mr. John Dickenson.  
*Westfield*, . . . Mr. John Ginn.  
*Suffield*, . . . Mr. John Kent.  
*Enfield*, . . . Mr. Nathaniel Collins.

## COUNTY OF PLYMOUTH.

*Plymouth*, . . . Mr. John Foster.  
*Sittuate*, . . . Capt. Amos Turner.  
*Marshfield*, . . Nathaniel Thomas, Esq.  
*Duxbury*, . . . Capt. John Alden.  
*Bridgewater*, . Mr. Isaac Johnson.  
*Middleboro*, . . Mr. Nathaniel Southworth.  
*Rochester*, . . . Mr. Joseph Benson.  
*Plympton*, . . . Mr. Samuel Bradford.  
*Pembroke*, . . . Mr. Elisha Bysby.

## COUNTY OF BARNSTABLE.

*Barnstable*, . . Shubal Gorham, Esq.  
*Yarmouth*, . . . Mr. Josiah Miller.  
*Sandwich*, . . . Ezra Bourn, Esq.  
*Eastham*, . . . Joseph Doan, Esq.  
*Harwich*, . . . Capt. Edmund Freeman.  
*Truro*, . . . Mr. Thomas Payne.

## COUNTY OF BRISTOL.

*Bristol*, . . . Capt. Samuel Little.  
*Taunton*, . . . Seth Williams, Esq.  
*Swansey*, . . . Mr. Ephraim Pierce.  
*Rehoboth*, . . . Mr. Jathiel Peck.  
*Little Compton*, Thomas Church, Esq.  
*Dighton*, . . . Mr. Edward Shove.  
*Tiverton*, . . . Mr. Thomas Manchester.  
*Dartmouth*, . . Capt. John Akin.  
*Attleboro*, . . . Capt. Joseph Brown.  
*Norton*, . . . Capt. Samuel Brentnal.  
*Freetown*, . . . Mr. Thomas Gage.

## COUNTY OF YORK.

*York*, . . . . Col. Johnson Harman.  
*Kittery*, . . . Capt. Stephen Eastwick.  
*Wells*, . . . . Joseph Hill, Esq.  
*Berwick*, . . . Capt. James Grant.

## DUKES COUNTY.

*Edgartown*, . . Mr. Benjamin Smith.  
*Chilmark*, . . . Payne Mahew, Esq.

## IN THE COUNTY OF NANTUCKET.

*Sherburn*, . . . George Bunker, Esq.



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-SECOND DAY OF NOVEMBER, A.D.  
1727.

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## CHAPTER 1.

### RESOLVE ALLOWING £15 TO HUGH PIKE.

A PETITION of Hugh Pike of Newbury, Praying for a further Allowance from this Court in Consideration of the Wounds he received in the Service of this Province against the French & Indians under Coll. March, by which he is disabled from labouring for the Subsistence of him self & his Family.

Legislative  
Records of the  
Council, xiii.,  
454. Mass.  
Archives,  
lxxii., 299.

Read and in Answer to this petition

House Jour-  
nal, pp. 6, 7.  
*Ante*, p. 68,  
chap. 179.

*Resolved* That the sum of Fifteen pounds be allowed and paid out of the publick Treasury, to the petitioner Hugh Pike or his Order in Consideration of the Difficulties and Misfortunes arising on him by reason of the Wound within Mentioned. [*Passed November 24.*]

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## CHAPTER 2.

### ORDER GRANTING A LICENSE TO JOHN VOSE AS INNKEEPER.

A PETITION of John Vose of Stoughton in the County of Suffolk Shewing that for divers Years past he has kept a Tavern in the said Town without any Interruption, & that he has obtained the Approbation of the Select men of the said Town & a Licence from the Justices of the said County for his Keeping a Tavern this Year, but by Mistake he omitted to take out his Licence & give Recognizance at the proper Time by Law appointed, And therefore Praying that he may be enabled to take out his Licence, Notwithstanding the Times being elapsed.

Legislative  
Records of the  
Council, xiii.,  
455.

House Jour-  
nal, p. 7.  
Province  
Laws, ii., 415,  
chap. 1.

Read &

*Ordered* that the Prayer of the Petition be granted so far as that the Justices of the Peace for the County of Suffolk in their next Session be & hereby are impowered (if they see Cause) to grant a Licence to the Petitioner to keep a Tavern in Stoughton, The Time by Law appointed for granting Licences this present Year being elapsed, Or any other Law Usage or Custom to the Contrary Notwithstanding. [*Passed November 24*]

## CHAPTER 3.

Legislative  
Records of the  
Council, xiii.,  
456. Mass.  
Archives, ix.,  
189.

Mass.  
Archives, ix.,  
187, 190, 193.  
House Jour-  
nal, p. 8.  
*Ante*, p. 164,  
chap. 76.

VOTE ON JOHN MOFFATS PETITION IN REGARD TO A JUDGMENT  
AGAINST HIM FOR TRANSPORTING A NEGRO.

ON THE PETITION of John Moffat, [*ante*, p. 164, chap. 76]

*Voted* That the prayer of the Petition be so far granted, as that that part of the Fine due to the province from the petitioner by Force of the Judgment recovered against him as within mentioned be and hereby is remitted; Any Law Usage or Custom to the Contrary notwithstanding. [*Passed November 25.*]

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## CHAPTER 4.

RESOLVE ALLOWING £50 TO THE TREASUR.

Legislative  
Records of the  
Council, xiii.,  
457.  
House Jour-  
nal, p. 8.

*Resolved* that the Sum of Fifty Pounds be allowed & paid out of the publick Treasury to Jeremiah Allen Treasurer & Receiver General of this Province for his extraordinary Service therein this present Year. [*Passed November 25.*]

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## CHAPTER 5.

RESOLVE ALLOWING PAYMENT OF THE MUSTER ROLL OF THE SLOOP  
GREY HOUND.

Legislative  
Records of the  
Council, xiii.,  
459. Mass.  
Archives, xci.,  
232.

House Jour-  
nal, p. 13.  
*Infra*, chap. 6.

A MUSTER ROLL of the Sloop Grey Hound Cpt. David Parker Mast taken up for His Majestys Service on a Message to Annapolis, Containing an Accompt of Wages due to the said Master & Comp<sup>n</sup> together with the Hire of the said Sloop, Amounting to the Sum of £91.

Read and

*Resolved* That the Sum of Ninety one pounds be allowed and paid out of the publick Treasury to Cap<sup>t</sup> David Parker to be by him paid to whom it is due in full discharge of the Wages & sloop hire thereof. [*Passed November 29.*]

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## CHAPTER 6.

RESOLVE ALLOWING £43. 4. 9 TO CPT. DAY. PARKER.

Legislative  
Records of the  
Council, xiii.,  
459.

House Jour-  
nal, p. 13.  
*Supra*, chap. 5.

AN ACCOMPT presented by Cpt. David Parker of Disbursem<sup>ts</sup> for Stores in fitting out the Sloop Grey Hound on her late Voyage to Annapolis in the publick Service, Amounting to the Sum of £43. 4. 9.

[Read and]

*Resolved* that the Sum of Forty three Pounds four shillings & nine pence be allowed & paid out of the publick Treasury to the Accomptant David Parker in full Discharge thereof: The Accomptant to return into the Treasury what of the Stores have not been expended. [*Passed November 29.*]

## CHAPTER 7.

RESOLVE ALLOWING £29. 18. 6 TO JOHN WOOD.

AN ACCOUNT presented by John Wood of Cleaning & Repairing of Arms belonging to the Province, Amounting to the Sum of £29. 18. 6.<sup>1</sup>  
 [Read and]  
*Resolved* that the Sum of Twenty nine Pounds eighteen shillings & six pence<sup>1</sup> be allowed & paid out of the publick Treasury to the Accountant John Wood in full discharge thereof. [*Passed November 30.*]

Legislative  
Records of the  
Council, xiii.,  
459.

House Jour-  
nal, p. 13.

## CHAPTER 8.

ORDER GRANTING A LICENCE TO JOHN ELLIS JUN<sup>R</sup> TO RETAIL LIQUOR.

A PETITION of John Ellis Jun<sup>r</sup> of Brooklyn in the County of Suffolk, Shewing that he hath obtained the Approbation of the Select men of the said Town for his retailing strong Liquors there, but has not yet obtained a Licence from the General Sessions of the Peace for the same, And the Time stated by Law being pass'd, Therefore Praying that the said Court of General Sessions of the Peace may be authorized by this Court to grant him a Licence.

Read &

*Ordered* that the Justices of the Peace for the County of Suffolk in their next General Sessions be & hereby are impowered (if they see Cause) to grant the Petition<sup>r</sup> a Licence to be a Retailer of strong Drink in the Town of Brooklyn the Time by Law appointed for granting Licences this present Year being elapsed, Or any other Law Usage or Custom to the Contrary Notwithstanding. [*Passed November 30.*]

Legislative  
Records of the  
Council, xiii.,  
459.

House Jour-  
nal, p. 14.  
Province  
Laws, ii., 415,  
chap. 1.

## CHAPTER 9.

ORDER IMPOWERING JOSEPH DIMMOCK TO SURVEY AND LAY OUT  
250 ACRES OF LAND.

A PETITION of Joseph Dimmock of Barnstable Praying a Grant of Two Hundred & fifty Acres of the unappropriated Land of this Province, in Consideration of the Wounds he received from the Indians in the Action at Norridgewock, by which he is disabled from Labour, Having divers Sons to provide for, & no Lands to settle them on.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petitioner be & hereby is impowered by a Survey<sup>r</sup> & Chain men on Oath to Survey & lay out Two Hundred & fifty Acres of the unappropriated Lands of this Province accordingly, & return a Plat thereof to this Court within twelve Months for Confirmation, Provided the Land so surveyed do not interfere with any former grant, nor incommode any new Settlement of a Township. [*Passed November 30.*]

Legislative  
Records of the  
Council, xiii.,  
460.

House Jour-  
nal, p. 15.  
*Ante*, p. 148,  
chap. 36.

<sup>1</sup> The House Journal reads, £29. 18. 9.

## CHAPTER 10.

RESOLVE ALLOWING £4. 10. 6 TO FRA. WILKS ESQ<sup>R</sup>.Legislative  
Records of the  
Council, xiii.,  
460.House Jour-  
nal, p. 14.  
*Ante*, p. 187,  
chap. 141.

AN ACCOMPT of Francis Wilks Esq<sup>r</sup> of Coach Hire & other Expences in presenting the Address of this Court to His Majesty, Amounting to the Sum of £4. 10. 6 Sterling.

[Read and]

*Resolved* that M<sup>r</sup> Treasurer Allen be directed to pay the Accomptant the Amount of his Accompt, And that he also return the Thanks of this Court to the said Francis Wilks Esq<sup>r</sup> for his Service in presenting the said Address. [*Passed December 1.*]

## CHAPTER 11.

ORDER GRANTING A LICENCE TO NATH<sup>L</sup> CONEY TO KEEP A TAVERN.Legislative  
Records of the  
Council, xiii.,  
461.House Jour-  
nal, p. 15.  
Province  
Laws, ii., 415,  
chap. 1.

A PETITION of Nathaniel Coney of Stoughton in the County of Suffolk, Shewing that he obtained the Approbation of the Select men of the said Town for his keeping a Tavern there, but at the Time of granting Licences for said County, he was taken sick, so that he could not attend the Court of General Sessions of the Peace, And therefore Praying that the said Court may be now impowered to grant him a Licence for the Remainder of the Year, if they think fit.

Read &amp;

*Ordered* that the Justices of the Peace for the County of Suffolk in their next General Sessions be & hereby are impowered (if they see Cause) to grant a Licence to the Petitioner to keep a Tavern in the House mentioned in the Petition, in the Town of Stoughton, The Time by Law appointed for granting Licences for this present Year being elapsed, or any other Law Usage or Custom to the Contrary Notwithstanding. [*Passed December 1.*]

## CHAPTER 12.

RESOLVE DISCHARGING TREAS<sup>R</sup> ALLEN OF £3.416. 15. 1.Legislative  
Records of the  
Council, xiii.,  
462.House Jour-  
nal, p. 8.

AN ACCOMPT presented by Jeremiah Allen Esq<sup>r</sup> Treasurer of this Province of Disbursem<sup>ts</sup> for Provisions & other Necessaries for His Majestys Forces Eastward & incidental Charges from the 31<sup>st</sup> of May 1727, to the 22<sup>d</sup> of Novem<sup>r</sup> following, Amounting to the Sum of £3.416. 15. 1.

Read &amp;

*Resolved* that M<sup>r</sup> Treasurer Allen be & hereby is discharged of the Sum of Three Thousand four hundred & sixteen Pounds fifteen shillings & one penny accordingly. [*Passed December 1.*]

## CHAPTER 13.

## RESOLVE ALLOWING £10 TO AND. ANDERSON.

A PETITION of Andrew Anderson, Praying for some further Consideration from this Court on Account of the Wound he received while in the Service of the Province in the Year 1726.

Read and Accepted and

*Resolved* That the Sum of Ten pounds be allowed and paid out of the publick Treasury to the petitioner Andrew Anderson in Consideration of his Loss of Time Smart and pain occasioned by his Wound in full satisfaction thereof. [*Passed December 1.*<sup>1</sup>

Legislative  
Records of the  
Council, xiii.,  
464. Mass.  
Archives,  
lxxii., 314.

Mass.  
Archives,  
lxxii., 313.  
House Jour-  
nal, p. 16.  
*Ante*, p. 157,  
chap. 57.

## CHAPTER 14.

ORDER ON BILLINGSGATE PETITION REFERRING TO M<sup>r</sup> OAKS.

THE PETITION of George Williamson in behalf of him self & a great Number of other Inhabitants of the North Precinct in Eastham, commonly called Billingsgate, [*ante*, p. 210, chap. 209]

Read together with the Answer of John Doan Esq<sup>r</sup> & M<sup>r</sup> Josiah Oaks, & the Parties being heard at the Board, And the said Petition & Answer being duly considered;

It appears that the Inhabitants of the North Precinct in Eastham have by their Vote at a Meeting legally warned expressed their Desire that the said M<sup>r</sup> Oaks with whom they had contracted only from Year to Year should no longer continue with them as their Minister; Therefore

*Ordered* that the said M<sup>r</sup> Oaks proceed no further in the Work of the Ministry in the said Precinct, & that the Inhabitants forthwith provide some suitable Person to officiate as Minister there; And for as much as it appears that M<sup>r</sup> Oaks has continued his publick Preaching in the said Precinct till May last;

*Ordered* that the said Inhabitants make just & speedy Payment of what remains due to him for his Service till that Time at the Rate of Eighty Pounds per Annum. [*Passed December 2.*

Legislative  
Records of the  
Council, xiii.,  
462.

House Jour-  
nal, p. 18.  
*Ante*, p. 210,  
chap. 209.

## CHAPTER 15.

## ORDER GRANTING A LICENSE TO JOHN BEIGHTON TO KEEP A TAVERN.

A PETITION of Comfort Foster & John Beighton Praying that the Petitioner Beighton may have an Order to empower the Justices of the County of Suffolk in their next General Sessions of the Peace to grant a Licence to him to keep a Tavern in the Town of Dorchester in the House where the other Petitioner kept a Tavern.

Read &

*Ordered* that the Justices of the Peace for the County of Suffolk at their next General Sessions of the Peace be & hereby are empowered

Legislative  
Records of the  
Council, xiii.,  
463.

House Jour-  
nal, p. 17.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 2.

if they see Cause to grant a Licence to the Petitioner Beighton to keep a Tavern accordingly; Any Law, Usage or Custom to the Contrary Notwithstanding. [*Passed December 2.*]

## CHAPTER 16.

### VOTE ON TREAS<sup>RS</sup> ACC<sup>T</sup> OF INDIAN TRADE.

Legislative  
Records of the  
Council, xiii.,  
463.

House Jour-  
nal, p. 8.  
*Ante*, p. 155,  
chap. 52.

AN ACCOMPT presented by Jeremiah Allen Esq<sup>r</sup> Treasurer of the State of the Indian Trade; The Ballance whereof in his Hands amounts to the Sum of £4,572. 3. 4.

Read & Accepted &

*Voted* that the Ballance of this Accompt being Four Thousand five hundred & seventy two Pounds three shillings & four pence M<sup>r</sup> Treasurer is further to Acc<sup>t</sup> for. [*Passed December 2.*]

## CHAPTER 17.

### RESOLVE ALLOWING £10. 10 TO JOHN WHEELWRIGHT ESQ<sup>R</sup>.

Legislative  
Records of the  
Council, xiii.,  
463.

House Jour-  
nal, p. 16.  
*Ante*, p. 173,  
chap. 38.

AN ACCOMPT presented by John Wheelwright Esq<sup>r</sup> of his Attendance on His Honour the Lieuten<sup>t</sup> Govern<sup>r</sup> at the Ratification of the Peace at Falmouth in July last, Amounting to the Sum of £10. 10.

[Read and]

*Resolved* that the Sum of Ten Pounds ten shillings be allowed & paid out of the publick Treasury to the Accomptant John Wheelwright Esq<sup>r</sup> in full Discharge thereof. [*Passed December 2.*]

## CHAPTER 18.

### RESOLVE ALLOWING £11. 10 TO JOSEPH HAMMOND ESQ<sup>R</sup>.

Legislative  
Records of the  
Council, xiii.,  
463.

House Jour-  
nal, p. 16.  
*Ante*, p. 173,  
chap. 38.

AN ACCOMPT presented by Joseph Hammond Esq<sup>r</sup> of his Service in Attending His Honour the Lieuten<sup>t</sup> Govern<sup>r</sup> at the Ratification of the Peace at Falmouth in July last, Amounting to the Sum of £11. 10.

[Read and]

*Resolved* that the Sum of Eleven Pounds ten shillings be allowed & paid out of the publick Treasury to Joseph Hammond Esq<sup>r</sup> the Accomptant in full Discharge thereof. [*Passed December 2.*]

## CHAPTER 19.

### RESOLVE ALLOWING £51. 0. 6 TO JN<sup>O</sup> COOKSON.

Legislative  
Records of the  
Council, xiii.,  
463.

AN ACCOMPT presented by John Cookson of Cleaning & Mending of Arms belonging to the Province, Amounting to y<sup>e</sup> Sum of £51. 0. 6.  
[Read and Accepted and]

*Resolved* that the Sum of Fifty one Pounds & six pence be allowed & paid out of the publick Treasury to the Accomptant John Cookson in full Discharge thereof. [*Passed December 2.*]

House Journal, p. 16.

## CHAPTER 20.

RESOLVE ALLOWING £5. 7 ON ACCT<sup>r</sup> OF SURVEYING LAND NEAR SUTTON.

AN ACCOMPT sign'd John Chandler Jun<sup>r</sup> John Brown & Nath<sup>l</sup> Jones of surveying & Platting 530 Acres of Province Land lying between Worcester & Sutton by Order, Amounting to the Sum of £5. 7.

[Read and]

*Resolved* that the Sum of Five Pounds & seven shillings<sup>1</sup> be allowed & paid out of the publick Treasury to M<sup>r</sup> John Chandler, to be by him repaid to whom the same is due in full Discharge thereof. [*Passed December 2.*]

Legislative Records of the Council, xlii., 464.

House Journal, p. 54 (June); p. 17.

## CHAPTER 21.

RESOLVE REMITTING THE DUTY ON A NEGRO BOY, IN FAVOR OF ELISA MANLEY.

A PETITION of Elisabeth Manley Praying an Order to the Commissioner of the Impost for remitting the Duty on a Negroe Boy called London, whom she brought from Barbados the last Summer & has been sick ever since he came ashore & is now given over as incurable.

Read &

*Resolved* that the Prayer of the Petition be granted, & that the Commissioner of Impost be and hereby is directed to remit the Duty of Impost of the said Boy accordingly; Any Law, Usage or Custom to the Contrary Notwithstanding. [*Passed December 5.*<sup>2</sup>]

Legislative Records of the Council, xlii., 463.

House Journal, p. 21.  
Province Laws, i., 578, chap. 10.

## CHAPTER 22.

ORDER IMPOWERING JOS. COOLIDGE GUARDIAN TO NATH<sup>l</sup> HASTINGS TO JOIN IN THE SALE OF HOUSE & LAND.

A PETITION of Joseph Coolidge Guardian to Nathaniel Hastings of Watertown a Minor, who is interested in a House & Land in Watertown together with his two Brothers (being their Deceased Fathers Estate) that his Brothers have agreed to sell their Parts, that the Whole will accomodate only one Person, that if the Minors Part were sold, it would be much to his Profit, And therefore Praying that he may be empowered to join with the others that are concerned in the Sale of the said House & Land, & to execute Deeds in the Law for the said Minors Part thereof.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petitioner be empowered to join in the Sale of the within mentioned Premises, for the Minors Part thereof Provided he give sufficient Security

Legislative Records of the Council, xlii., 465.

House Journal, p. 19.

<sup>1</sup> The House Journal reads, £5. 0. 7.

<sup>2</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is December 2.

to the Judge for the Probate of Wills &c for the County of Middlesex to improve the Income arising by the Sale of the Minors Part of the Premisses to his best Advantage & accompt with the said Judge for the Profits thereof & return the Principal & Interest to the Minor when he arrives of lawful Age; Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed December 5.*]

## CHAPTER 23.

RESOLVE ALLOWING £3. 13. 2 TO MAJOR CHANDLER & M<sup>R</sup> JOHN BROWN.

Legislative  
Records of the  
Council, xiii.,  
465.

House Jour-  
nal, p. 19.  
*Ante*, p. 153,  
chap. 46.

AN ACCOMPT presented by Major John Chandler & M<sup>r</sup> John Brown of their Time & Expende in surveying Province Lands lying near Mau-chaug Pond, Amounting to the Sum of £3. 13. 2.

[Read and]

*Resolved* that the Sum of Three Pounds thirteen shillings & two pence be allowed & paid out of the publick Treasury to the Accomptants John Chandler Jun<sup>r</sup> and John Brown in full Discharge thereof. [*Passed December 5.*]

## CHAPTER 24.

VOTE IMPOWERING M<sup>R</sup> THOMAS CUSHING M<sup>R</sup> CALEB EDDY AND W<sup>M</sup> LEE TRUSTEES TO TAKE CARE OF THE ESTATE OF ELISABETH WAKEFIELD &c.

Legislative  
Records of the  
Council, xiii.,  
466.

House Jour-  
nal, p. 21.

A PETITION of Thomas Walker & John Walker Executors of the last Will & Testament of Thomas Walker late of Boston Dec<sup>d</sup> (their Father) Shewing that by the said Will their Sister Elisabeth Wakefield had one full Share of their said Fathers Estate which was to be paid to William Lee Shipwright, to be by him improved for her Benefit during her Life, that the said Lee declines to have any Concern about the said Estate, that the Petitioners have supplied the said Elisabeth & her Children for the Necessaries of Life with the Sum of £110. 11. 4 Praying that some proper Person may be empowered by this Court to take the said Elisabeths Share of the said Estate into his Hands & improve for her Use, & that the Petition<sup>rs</sup> may be reimbursed the Money which they have advanced to their said Sister as afores<sup>d</sup>

Read & In Answer to this Petition

*Voted* that M<sup>r</sup> Thomas Cushing & M<sup>r</sup> Caleb Eddy together with the said William Lee be & hereby are fully authorized & empowered to take the whole Care of the Estate whether Real or Personal given to the said Elisabeth Wakefield by the Will of her said [Father]<sup>1</sup> Thomas Walker Dec<sup>d</sup> & dispose of the Profits thereof in all Things agreeable to the Mind of the Testator, And that the said Trustees be also empowered to advance & pay unto the said Elisabeth & her Children what Sum or Sums they shall think fit necessary or convenient. And the said Trustees are also hereby further empowered to reimburse the said Executors the Sum of One Hundred & ten Pounds eleven shillings & four pence out of the Personal Estate of the said Elisabeth by them necessarily advanced for the Support of her & her Children. [*Passed December 6.*]

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiii., 467.



## CHAPTER 25.

## RESOLVE ALLOWING £8 TO JOHN STAGPOLE.

A PETITION of John Stagpole of Biddeford Praying for an Allowance for his Service as Pilot of the Forces Eastward under the Command of Coll. Thomas Westbrook in the Year 1724.

Read and Accepted and

*Resolved* That the sum of Eight pounds be allowed and paid out of the publick Treasury to the petitioner John Stackpole or his order in full discharge of his Services within mentioned. [*Passed December 7.*<sup>1</sup>

Legislative  
Records of the  
Council, xiii.,  
467. Mass.  
Archives,  
lxvii., 303.

Mass.  
Archives, lxvii., 302.  
House Journal,  
p. 23.

## CHAPTER 26.

RESOLVE ALLOWING PAYMENT OF THE MUST<sup>R</sup> ROLL OF THE GARRISON  
AT CASTLE WILLIAM.

A MUSTER ROLL of the Garrison in His Majestys Service at Castle William under the Command of the Hon<sup>ble</sup> William Dummer Esq<sup>r</sup> Containing an Accompt of Wages due to them for their said Service from May 22. 1727, to Novem<sup>r</sup> 22. 1727, Amounting to the Sum of £525. 1. 4.

Read and Accepted and

*Resolved* That the Sum of Five hundred Twenty five pounds one shilling and four pence be allowed and paid out of the publick Treasury to the Officers & soldiers born on the within Roll to whom the Same is respectively due in full discharge thereof. [*Passed December 7.*

Legislative  
Records of the  
Council, xiii.,  
468. Mass.  
Archives, xci.,  
253.

Mass.  
Archives, xci.,  
252. House  
Journal, p. 23.

## CHAPTER 27.

RESOLVE ALLOWING £190. 9 TO LIEUT. JOHN LARRABEES ACCT<sup>T</sup> OF  
VICTUALLING THE GARRISON AT CASTLE WILLIAM AND FURTHER  
ADVANCING TO HIM £200.

AN ACCOMPT presented by Lieut. John Larrabee of the Charge of Victualling the Garrison at His Majestys Castle William from the 22<sup>d</sup> of May 1727, to the 22<sup>d</sup> of Novem<sup>r</sup> 1727, The Ballance whereof due from the Province is the Sum of £190. 9.

Read & Accepted &

*Resolved* That M<sup>r</sup> Treasurer Allen be accordingly Directed to pay to the accomptant Liev<sup>t</sup> John Larrabee the sum of One hundred & Ninety pounds and Nine shillings out of the publick Treasury being the Balance of his Accompt, and further to Enable the said Liev<sup>t</sup> John Larrabee to Victual the Garrison at His Majesties Castle William according to the last Establishment being Eight shillings p Week p Man, It is further

*Resolved* That M<sup>r</sup> Treasurer Allen be and hereby is further directed to pay and Advance to Liev<sup>t</sup> John Larrabee the sum of Two Hundred pounds for Victualling the said Garrison according to the s<sup>d</sup> Establishment taking Security from him for the true & faithfull performance thereof. [*Passed December 7.*

Legislative  
Records of the  
Council, xiii.,  
468. Mass.  
Archives, xci.,  
230.

Mass.  
Archives, xci.,  
229. House  
Journal, p. 23.  
*Ante*, p. 155,  
chap. 51.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 6.

## CHAPTER 28.

## ORDER IMPOWERING ASSESSORS OF LEICESTER TO LAY A TAX.

Legislative  
Records of the  
Council, xiii.,  
469.

House Jour-  
nal, p. 25.

A PETITION of Samuel Green, Richard Southgate & Thomas Richardson, Select men of the Town of Leicester by Order of the said Town, Praying that the Assessors there may be empowered to assess a Tax of one penny per Acre on all the Lands in the Easterly or Settlers Part for the Support of the Ministry & other necessary Charges.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Assessors of said Town be & hereby are allowed & empowered to lay a Tax for five Years next coming for the Uses mentioned accordingly, Any Law, Usage or Custom to the Contrary Notwithstanding. [*Passed December 7.*]

## CHAPTER 29.

ORDER ON JON<sup>A</sup> WHITNEYS PETITION IN REGARD TO FAILURE TO PERFORM CONDITIONS IN A DEED.

Legislative  
Records of the  
Council, xiii.,  
469.

Legislative  
Records of the  
Council, xiii.,  
333. House  
Journal, p. 25.  
*Ante*, p. 139,  
chap. 14.

A PETITION of Jonathan Whitney of Concord, Shewing that he purchased of one Joseph Ball of Watertown a Lot in the South Town of Turkey Hills, that by reason of the late Indian War he was prevented from performing the Conditions enjoined by the General Court in due Season, & that thereupon the Committee for the said Towns declared his Lot forfeited, that afterwards they admitted him upon the said Lot upon his paying them £5 & giving them Bonds for Thirty five Pounds more; And for as much as he has now near performed all the Conditions, Therefore Praying that this Court would Order the said Committee to return his Money afore mentioned.

Read &

*Ordered* that the Petitioner forthwith serve the Committee of this Court appointed to bring forward the Settlement of the said South Township with a Copy of this Petition that they make Answer thereto on Tuesday the ninth Currant. [*Passed December 7.*]

## CHAPTER 30.

## VOTE &amp; ADVICE FOR A PUBLICK FAST.

Legislative  
Records of the  
Council, xiii.,  
470. Mass.  
Archives, xi.,  
415.

House Jour-  
nal, p. 27.  
Love's Fast  
and Thanks-  
giving Days of  
New England,  
p. 491.

*Voted* That it is the Earnest desire of this Court that His Honour the Lieutenant Governour would Issue forth a proclamation for the Setting apart a day of fasting and prayer to almighty God that he would of his Mercy avert from us his awfull hand that has been Stretched out against us in the late Amazing Earthquake, and which Still continues in Some parts of the province and that he would not inflict upon us the Judgements which Our Sins have deserved. [*Passed \* December 8.*]

## CHAPTER 31.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF THE SOUTHERLY PART OF DEDHAM FOR A MINISTER.

THE COMMITTEE appointed by the Great & General Court to take into Consideration the Circumstances of the Town of Dedham upon a Petition of the Southerly Part of the said Town, having attended the said Service, report as follows; That upon viewing the Situation & considering the Circumstances of both Parts of the Town as well as hearing their Pleas & Allegations, they are of Opinion that it will be inconvenient to grant the Prayer of the Petition at present; But for as much as it appears to the Committee that the Major Part of the Petitioners labour under great Difficulties in the Winter Season in attending the publick Worship of God by reason of their Distance from the Meeting House, the Committee humbly propose that the publick Worship of God be performed by a Minister to be provided by the Petitioners in some private House as near the Center as may be for five Months in the Year viz November, December, January, February & March, & that there be allowed Thirty shillings per Sabbath for the said Service; The Charge to be born by the whole Town, & to continue until the further Order of this Court; All which is humbly submitted.

Legislative  
Records of the  
Council, xiii.,  
471.

Legislative  
Records of the  
Council, xiii.,  
457. House  
Journal, p. 29.  
*Ante*, p. 175,  
chap. 102.

Dec. 8. 1727. By Order of the Comm<sup>tee</sup> SPENCER PHIPS.

Read &

*Ordered* that this Report be Accepted. [*Passed December 11.*]

## CHAPTER 32.

## RESOLVE CONFIRMING 1,000 ACRES OF LAND TO THE HEIRS OF CAPT. JOHN ALLEN.

A PLAT of One Thousand Acres of Land was presented by Thomas Church Esq<sup>r</sup> Pursuant to the Order of this Court for fulfilling a Grant formerly made to Cpt. John Allen; Being bounded as follows, viz, Southerly on Shrewsbury, Westerly on Rutland, Northerly on Province Land, & Easterly on a Rocky Stream of Water being the Westerly Bounds of Lancaster new Grant, containing within it Two hundred Acres of Land laid out to M<sup>r</sup> Johnson, Surveyed & Platted by William Ward Survey<sup>r</sup> The Grant to the said Cpt. Allen being made in the Year 1668.

Legislative  
Records of the  
Council, xiii.,  
472. Mass.  
Archives,  
xvii., 31.

Mass.  
Archives,  
xvii., 29, 30.  
House Jour-  
nal, p. 28.  
Province  
Laws, ix., 659,  
chap. 24.

Read and

*Resolved* That the said plann be and hereby is Accepted, and the Lands within Set forth (Exclusive of the said 200 Acres) are Accordingly Confirmed unto the Heirs or lawfull Representatives of the said Cap<sup>t</sup> John Allen Dec<sup>d</sup> in full Satisfaction of the within mentioned Grant made to him, provided the Land platted as within contains not more than One Thousand Acres exclusive of the said 200 Acres, and does not interfere with any other or former Grant. [*Passed December 11.*]

## CHAPTER 33.

## RESOLVE ALLOWING £10 TO ABR. JOHNSON.

Legislative  
Records of the  
Council, xlii.,  
473. Mass.  
Archives,  
lxxii., 319.

House Jour-  
nal, p. 28.  
*Infra*, chap. 35.

*Resolved* That the Sum of Ten pounds be allowed and paid out of the publick Treasury to Edward Winslow Esq<sup>r</sup> to be by him disposed of to the best Advantage for the Cloathing of Abraham Johnson lately return<sup>d</sup> from Captivity, who may be of Service to the province. [*Passed December 11.*<sup>1</sup>

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## CHAPTER 34.

RESOLVE ALLOWING £8 TO D<sup>r</sup> ZABDIEL BOYLSTON AND £20 TO ROBT WILSON.

Legislative  
Records of the  
Council, xlii.,  
471. Mass.  
Archives,  
lxxii., 301.

Mass.  
Archives,  
lxxii., 300.  
House Jour-  
nal, p. 28.  
*Ante*, p. 125,  
chap. 334.

A PETITION of Robert Wilson of Boston Black smith Praying some further Allowance from this Court for a Wound he received while in the Service of the Province at Fort Richmond under the Command of Cpt. Joseph Heath by a Shot in his Leg.

Read and Accepted and

*Resolved* That the sum of Eight pounds be allowed and paid out of the publick Treasury to M<sup>r</sup> Thomas Cushing to be by him repaid to D<sup>r</sup> Zabdiel Boylstone in full discharge of the said Boylstones Accompt of Medicines Attendance &c on the petitioner, and that the further Sum of Twenty pounds. be allowed and paid out of the publick Treasury to the said M<sup>r</sup> Thomas Cushing to be by him used and Employed for the Relief of the petitioner more especially in Obtaining a Cure of his Wounded Legg. [*Passed December 11.*<sup>2</sup>

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## CHAPTER 35.

RESOLVE ALLOWING £72 TO CAP<sup>t</sup> JOS. BISSELL.

Legislative  
Records of the  
Council, xlii.,  
473. Mass.  
Archives,  
lxxii., 318.

Mass.  
Archives,  
lxxii., 315.  
House Jour-  
nal, p. 28.  
*Supra*, chap. 33.

A PETITION of Miriam Matthews of Beverly. Setting forth That her Son Abraham Johnson being taken Captive by the Indians above five Years since is ransomed & returned Home, that Capt. Joseph Bissell paid the Ransom Money which amounted to Seventy two Pounds of this Country Money, & has her Husbands promissary Note for reimbursing the said Money: And for as much as the said Abraham Johnson may be of Service to this Governm<sup>t</sup> by reason of his Knowledge of the Indian Language & Countrey, Therefore Praying that the said Sum of Seventy two Pounds may be allowed & paid out of the publick Treasury.

Read and Accepted and

*Resolved* that the sum of Seventy Two pounds be allowed and paid out of the publick Treasury by M<sup>r</sup> Treasurer Allen to Cap<sup>t</sup> Joseph Bissell for so much the said Bissell advanced for the Redemption of the petitioners son Abraham Johnson, & that M<sup>r</sup> Treasurer be directed to take up the security given the s<sup>d</sup> Bissell for the repayment of the Redemption Mony. [*Passed December 12.*

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 12.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 9.

## CHAPTER 36.

## VOTE REFERRING TO HASSANIMISCO LAND.

SAMUEL THAXTER Esq<sup>r</sup> from the Committee of both Houses on the Petition of Samuel Chandler & others, Praying to be allowed to purchase the Lands of Hassanimisco made the following Report; Viz.

Pursuant to the within Order a Major Part of the Committee repaired to Hassanimisco, & having carefully viewed the Lands proposed to be sold by the Natives there, containing about Seven Thousand five Hundred Acres; About one Half Part whereof being a good Soil but very stony, the other Half Pitch Pine & Shrub Plain, are of Opinion, & have accordingly valued & estimated the same at the Sum of Two Thousand five Hundred Pounds under the Conditions proposed by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> in their Session June 9<sup>th</sup> 1726,<sup>1</sup> [as] herewith exhibited may appear: In the Name of the Comm<sup>tee</sup>

Sept. 21. 1727.

SAM<sup>LL</sup> THAXTER.

In the House of Represent<sup>ves</sup> Read & Accepted, And

*Voted* that upon Payment of the Sum of Two Thousand five Hundred Pounds to the Trustees hereafter named, Liberty is hereby given to purchase the Lands at Hassanimisco within refer'd to, petitioned for by Samuel Chandler, John Sherman and others, they complying with & performing the several Conditions mentioned in a Vote of the House of Represent<sup>ves</sup> pass'd in the Month of June 1725 on the Petition of James Watson, Samuel Hall & others Praying for Liberty to purchase the said Lands at Hassanimisco & that Cpt. Goddard & Cpt. Ephraim Curtis with such as the Hon<sup>ble</sup> Board shall appoint be Trustees & are hereby fully authorized & impowered as well to approve of the Deeds to be executed by the Indians for the said Lands as to receive the said Sum of Two Thousand five Hundred Pounds of the said Petitioners, & that they take Care & see that the said Petitioners effectually comply with & perform the Conditions mentioned in the aforesaid Vote of the 9<sup>th</sup> of June 1725, and also that they let out the Consideration Money of the Purchase at Interest on good & sufficient Security, which Interest shall by the said Trustees be paid to the Indian Proprietors of the afore mentioned Lands, as this Court shall from time to time order & appoint: And the said Trustees shall also be obliged to render an Account annually of their Proceedings to the General Court in their May Sessions; And that M<sup>r</sup> Wells & M<sup>r</sup> Bysby with such as the Hon<sup>ble</sup> Board shall appoint be a Committee to project a proper Method to oblige the Purchasers fully to comply with the Terms on which they shall settle the same, Which Method shall be laid before the General Assembly & approved of by them before the Deeds for the said Lands be executed by the Indians; Any former Order or Resolve of the General Court to the Contrary Notwithstanding.

In Council; Read & Concur'd, &

*Ordered* that Spencer Phips Esq<sup>r</sup> be joined as a Trustee for the Indians, & that John Stoddard Esq<sup>r</sup> be joined with the Committee appointed to project a Method to oblige the Petition<sup>rs</sup> to comply with the Terms &c. [*Passed December 12.*]

<sup>1</sup> A mistake for 1725. See the vote *infra*; also House Journal, p. 26.

Legislative  
Records of the  
Council, xiii.,  
473.

House Jour-  
nal, p. 25  
(June, 1725);  
pp. 26, 30,  
*Ante*, p. 169,  
chap. 88.

## CHAPTER 37.

RESOLVE ALLOWING £10 TO W<sup>m</sup> JEFFRY.

Legislative  
Records of the  
Council, xlii.,  
476. Mass.  
Archives,  
xxxi., 155.

Mass.  
Archives,  
xxxi., 154.  
House Jour-  
nal, p. 31.  
Province  
Laws, x., 481,  
chap. 141; 650,  
chap. 199.

A PETITION of William Jeffry of Harwich Indian, Shewing that in the Service of this Province under the Command of Capt. Josiah Winslow when he was slain by the Indian Enemy at S<sup>t</sup> Georges River, the Petitioner received a Wound through his Wrist which has disabled him from labouring for his Support, Praying the further Consideration of this Court for his Allowance on the Account of the said Wound.

Read and

*Resolved* That the Sum of Ten pounds be allowed and paid out of the publick Treasury to Cap<sup>t</sup> Edmund Freeman for the Use of the petitioner to be by him delivered for the Support of the petitioner as the Necessity may require. [*Passed December 13.*]

## CHAPTER 38.

RESOLVE ALLOWING £29. 19. 6 FOR REPAIRS AT CASTLE W<sup>m</sup>.

Legislative  
Records of the  
Council, xlii.,  
477.

House Jour-  
nal, p. 31.

AN ACCOMPT presented by Lient. John Larrabee of sundry Repairs effected at Castle William, Amounting to the Sum of £29. 19. 6.

[Read and]

*Resolved* that the Sum of Twenty nine Pounds nineteen shillings & six pence be allowed & paid out of the publick Treasury to John Larrabee to be by him repaid to whom it is respectively due in full Discharge thereof. [*Passed December 13.*]

## CHAPTER 39.

VOTE ON W<sup>m</sup> MUDGETS PETITION IN REGARD TO POSSESSION OF A HOUSE.

Legislative  
Records of the  
Council, xlii.,  
479.

House Jour-  
nal, p. 14.

A PETITION of William Mudget of Haverhill Shewing that on or about the twenty eighth Day of October last one William Humphreys with five other Irish men by Force of Arms entered into a Dwelling house which he had built in said Town, & into which he was about to remove his Family, & in an unlawful Manner possessed them selves of the said House, & held the same with Violence, having committed several Outrages on the Petitioner & his Work men who went there to finish the said House. And therefore Praying that this Court would grant him such Relief as that he may quietly & peaceably enjoy his own Estate & Property.

Read &

*Voted* that any of the Justices of the County of Essex upon Application made to them by the Petitioner be & hereby are directed by this Court to enquire into the Matters of Complaint within mentioned, & that they proceed according to Law. [*Passed December 14.*]

## CHAPTER 40.

ORDER GRANTING A LICENSE TO HEN. FAREWEL JUN<sup>R</sup> TO KEEP A TAVERN.

A PETITION of Henry Farewell Jun<sup>r</sup> of Dunstable Shewing that since the Death of Joseph Blanchard there has been no Tavern kept in the said Town, that the Petitioner has thereupon obtained the Approbation of the Select men for his following that Employment there, And therefore Praying that this Court would empower the Court of General Sessions of the Peace for the County of Middlesex to give him a Licence to keep a Tavern in the said Town (if they think fit.)

Read and

*Ordered* That the Justices of the peace for the County of Middlesex be and hereby are allowed and impowred in their present Session to grant a Licence to the petitioner if they See Cause to be a Taverner in Dunstable the Time by Law Appointed for this present year being elapsed or any other Law Usage or Custom to the Contrary Notwithstanding. [*Passed December 14.*]

Legislative  
Records of the  
Council, xlii.,  
479. Mass.  
Archives, cxl.,  
102.

Mass.  
Archives, cxl.,  
103. House  
Journal, p. 32.  
Province  
Laws, ii., 415,  
chap. I.

## CHAPTER 41.

ORDER GRANTING A LICENSE TO JOHN FOWLE JUN<sup>R</sup> TO KEEP A TAVERN.

A PETITION of John Fowle Jun<sup>r</sup> Shewing that his Mother being about to lay down her Tavern at Woburn, & to remove from her House which is very accomodable for an House of Entertainm<sup>t</sup> the Select men of that Town have granted their Approbation to the Petitioner for that Service, Therefore Praying the Order of this Court to empower the Court of General Sessions of the Peace for the said County to grant him a Licence to keep a Tavern in the said House accordingly.

Read and

*Ordered* That the prayer of the Petition be granted, and the Justices of the peace for the County of Middlesex in their present Session are allowed and impowred if they see Cause to grant a Licence to the petitioner to keep a Tavern accordingly, the Time by Law Appointed for granting Licences this present year being elapsed notwithstanding. [*Passed December 14.*]

Legislative  
Records of the  
Council, xlii.,  
480. Mass.  
Archives, cxl.,  
100.

Mass.  
Archives, cxl.,  
99. House  
Journal, p. 33.  
Province  
Laws, ii., 415,  
chap. I.

## CHAPTER 42.

VOTE DEFERRING THE HEARING ON JON<sup>A</sup> WHITNEYS PETITION.

*Voted* that the Hearing on the Petition of Jonathan Whitney be refer'd to Thursday the twenty first Day of Decem<sup>r</sup> Instant at three a Clock in the Afternoon. [*Passed December 15.*]

Legislative  
Records of the  
Council, xlii.,  
480.

House Jour-  
nal, p. 35.  
*Ante*, p. 230,  
chap. 29.

## CHAPTER 43.

## VOTE FOR ADJOURNING THE COURTS IN ESSEX.

Legislative  
Records of the  
Council, xlii.,  
481. Mass.  
Archives, xli.,  
61.

House Jour-  
nal, p. 35.  
Province  
Laws, i., 367,  
chap. 1; 369,  
chap. 2; 418.

WHEREAS the Court of General Sessions of the peace and Inferiour Court of Common pleas for the County of Essex are by Law Appointed to be held and kept at Salem in and for the County of Essex on the last Tuesday of December Currant and Several of the Justices of the said Courts, and others concerned are Members of this Court

*Ordered* That in Consideration of the present Sitting of the Great and General Court the said Justices are directed to adjourn the said Courts to the third Tuesday in January next, Any Law Usage or Custom to the Contrary notwithstanding. [*Passed December 15.*]

## CHAPTER 44.

## ORDER GRANTING POWERS AND PRIVILEGES TO THE TOWN OF SHREWSBURY.

Legislative  
Records of the  
Council, xlii.,  
490. Mass.  
Archives, cxlii.,  
731.

Mass.  
Archives,  
cxlii., 729.  
House Jour-  
nal, p. 33.  
Province  
Laws, x., 50,  
chap. 110.

A PETITION of the Inhabitants of the Town of Shrewsbury Setting forth that the Committee appointed to conduct their Affairs do refuse to act any further in that Matter, so that the said Inhabitants, not being invested with the Privileges of a Town, are under great Difficulties as to their raising their Tax for the support of their Minister, & other Matters; Therefore Praying that they may be vested with the Powers of other Towns in this Province.

Read and

*Ordered* That the prayer of the petition be granted, and the said Town of Shrewsbury is accordingly endowed with equal powers privileges and Immunities with any other Town in this province. And That Cap<sup>t</sup> John Keyes a principal Inhabitant in the said Town be impowred and directed to Notifie and Summon the Inhabitants duly qualified for Voters to meet and Assemble for the Choosing of Town officers to Stand until the next Annual Election according to Law. [*Passed December 15.*<sup>1</sup>]

## CHAPTER 45.

VOTE ON RACHEL WHITTENS PET<sup>CON</sup> IN REGARD TO RECORDING A DEED.

Legislative  
Records of the  
Council, xlii.,  
470, 481.

House Jour-  
nal, p. 27, 37.

A PETITION of Rachel Whitten Administ<sup>r</sup> of the Estate of Elias Whitten her Husband late of Newbury Dec<sup>d</sup> Shewing that she hath obtained a Power from the Justices of the Superior Court to make Sale of twelve Acres of Land of the said Estate in Order to pay the Debts due therefrom, that the said twelve Acres is Part of Thirty two Acres which her said Husband purchased of D<sup>r</sup> Joshua Bailey of Haverhill & is Parcel of a Tract of Ninety Acres conveyed to the said Joshua Bailey by his Uncle Joshua Bailey late of Newbury Dec<sup>d</sup> who first gave him a Deed by which he entailed the said Land to the Heirs of the Body of the said D<sup>r</sup> Bailey but upon some Dispute the Uncle refused to ac-

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 19.



knowledge the said Deed, & afterwards, the Matter being accomodated, the Uncle gave a second Deed conveying the Land in Fee Simple to his Nephew, supposing the first Deed to be destroyed, which his Nephew assured him, that in the Life Time of the Uncle the said D<sup>r</sup> Bailey got the Witnesses to swear to the Execution of the first mentioned Deed before Stephen Sewall Esq<sup>r</sup> one of His Majestys Justices of the Peace for the County of Essex, who being likewise Register of the County, put the said Deed upon Record, & after the Death of the said Joshua Bailey the Uncle the said D<sup>r</sup> Bailey got the said Deed proved in open Court; By all which means the Petitioner & all her fatherless Children are like to be greatly wronged & deprived of the Land w<sup>th</sup> their Father justly & fairly purchased, And therefore Praying for Relief from this Court.

[Read and]

In Answer to this Petition,

*Resolved* that the Recording the Deed of Joshua Bailey late of Newbury Dec<sup>d</sup> Dated May 20. 1713, before it was acknowledged by him & while he was alive, & in the Province, although the Witnesses were sworn to the Deed, was contrary to the Law of this Province for Registering of Deeds &c, and therefore of no Force in the Law, And the swearing the same Witnesses afterwards in open Court de Novo, (though after the said Baileys Decease) to the Execution of the said Deed was very irregular & of no Validity & could convey no Title, it being after a good Deed for the same Land by the said Joshua Bailey was executed, duly acknowledged, & recorded. [*Passed December 16.*]

## CHAPTER 46.

### ORDER IMPOWERING SELECTMEN OF RUTLAND TO LEVY A TAX.

A PETITION of Simon Davis of Rutland in behalf of the said Town, Praying that the Inhabitants of the said Town may be empowered to lay a Tax of one Penny per Acre on all the Lands within the Six Miles square or Settling Part of the said Town whether improved or unimproved divided or undivided, as well those that belong to the Present Inhabitants or Proprietors as those that belong to the Non Resident Proprietors, for the Space of five Years next coming or for such other Term as this Court shall think fit, & that the said Lands may be subjected to pay the same, that so the said Town may be enabled to support their Minister honourably, & that the Worship of God may be thereby promoted & upheld among them.

Read and

*Ordered* That the prayer of this petition be granted and That the Assessors of the Town of Rutland be allowed and impowred to Assess One penny *per* Acre on all the Lands within the Six Miles square, or Settling part of the said Town for the space of Five years next coming, belonging either to the Residents or Non Residents for the Use of the Ministry there, and the said Lands are subjected to the payment thereof accordingly, any Law usage or Custom to the contrary notwithstanding.<sup>1</sup> [*Passed December 18.*]

<sup>1</sup> This order is taken from Mass. Archives; it is omitted in the Legislative Records of the Council.

Legislative  
Records of the  
Council, xlii.,  
483. Mass.  
Archives,  
cxlii., 734.

Mass.  
Archives,  
cxlii., 732, 735.  
House Jour-  
nal, p. 37.

## CHAPTER 47.

## VOTE FOR A TRADING HOUSE ON SACO RIVER.

Legislative  
Records of the  
Council, xiii.,  
483.

House Jour-  
nal, p. 36.

A PETITION of John Stagpole of Biddeford in the County of York, in behalf of him self & sundry other principal Inhabitants of the said Town, Setting forth sundry Inconveniences that have & will attend the Inhabitants of that Town, if there should be a Trading House established at the Sea Side for carrying on the Indian Trade, Proposing that there may be a Trading House built on Saco River at some good Distance above the Town that so those Inconveniences may be avoided:

Read & Accepted, &

*Voted* that agreeable to the Plan hereto annexed, there be a Trading House erected a little below the Salmon Falls on Saco River, being eight or nine Miles distant up the River from an other Pair of Falls where a Stone Fort was formerly erected, And that the Trading House be built on the West Side of the River as high thereto as conveniently may be, & to be of the following Dimensions; Viz, Forty five feet long, twenty seven feet wide & nine feet Stud; To be built of square Pine Timber, nine Inches thick at least, with a Store house adjoining for the Reception & safe Keeping the Goods & Merchandize to be sent for the Carrying on the Trade with the Indians. [*Passed December 18.*]

## CHAPTER 48.

## VOTE FOR CALLING IN THE TEN SHILLING BILLS.

Legislative  
Records of the  
Council, xiii.,  
482. Mass.  
Archives, ci.,  
478.

House Jour-  
nal, p. 37.

Province  
Laws, I., 750,  
chap. 10; II.,  
61, chap. 18.

WHEREAS there are many Counterfiet ten shilling Bills of Credit on this province passing between Man and Man, and thereby many honest persons that are not well acquainted with or able to distinguish between the good & Counterfiet Bills may be imposed on

*Resolved* That from and after the first day of August next comieng no person presume in any private payment to put off or pay any ten shilling Bills of Credit of this province, and That the Treasurer is hereby directed & impowred to exchange all Such Bills brought to him and to recieve in all the said tenshilling Bills (provided They are not Counterfiet) of and from the Trustees of the £50,000 Loan, and the Commissioners of the £100,000 Loan and all the Recievers Subordinate to the Treasurer. [*Passed December 19.*<sup>1</sup>]

## CHAPTER 49.

## RESOLVE DISCHARGING THE TREASURER OF £16,201. 6. 5.

Legislative  
Records of the  
Council, xiii.,  
487. Mass.  
Archives, ci.,  
477.

Mass.  
Archives, ci.,  
476. House  
Journal, p. 20.  
*Ante*, p. 198,  
chap. 176.

IN OBEDIENCE to an Order of the Great & General Court at their Session in May & continued by Adjournm<sup>t</sup> to August following, appointing us the Subscribers a Committee in the Recess of the Court to take an Accompt of Province Bills of Credit that are torn & defaced; We have accordingly received of M<sup>r</sup> Treasurer Allen the Bills of the Denomination in the above Accompt. Amounting to the Sum of Sixteen Thousand two Hundred & one Pounds six shillings & five pence; All which we have consumed to Ashes; Whereof £1,425. 12. 6 Part of the

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 19.

afore said Sum was delivered us upon Account of the £50,000 Loan received of the Trustees mentioned on the other Side, & the £10,000 Interest received of the Commissioners of the £100,000 Loan, Also the remaining Sum of £4,775. 13. 11 on Account of the Province, as being received in by Taxes, Impost & Excise, Making in the Whole the Sum of Sixteen Thousand two Hundred & one Pounds six shillings & five pence: As Witness our Hands this 27<sup>th</sup> Day of October, 1727;

To two Receipts of this Tenour & Date.

JOS. WADSWORTH	THO. CHEVER
STEP. HALL	NATH <sup>LL</sup> . BYFIELD
NATH <sup>LL</sup> . GREEN	ADD. DAVENPORT
DAN <sup>LL</sup> . OLIVER	THOMAS FITCH
EZEK. LEWIS	JON <sup>A</sup> . BELCHER
THO. CUSHING	

Read and

*Resolved* That this Report be Accepted and That M<sup>r</sup> Treasurer Allen be & hereby is discharged of the said Sum of Sixteen thousand two hundred & One pound<sup>s</sup> Six shillings and five pence Accordingly. [*Passed December 19.*]

## CHAPTER 50.

RESOLVE ALLOWING £20 TO DAN<sup>LL</sup>. WALDO.

A PETITION of Daniel Waldo, Shewing that he leased of the Town of Dorchester a Tract of Land lying between Brantrey & Bridgewater in the Bounds of Dorchester as was then supposed, That in running the Colony Lines, his improved Lands fell within the Colony of Plymouth, but were afterwards declared to be within the late Colony of the Massachusetts, And two Hundred Pounds was returned into the Province Treasury for Lands sold there, that the Petitioner improved the said Land sixteen Years, & was afterwards ejected out of those Lands, And therefore in Consideration of his own Loss, Trouble & Charge, as well as the Benefit accruing to the Province by the Sale of those Lands, Praying such Allowance out of the publick Treasury for the same as to the Justice & Goodness of this Court shall seem fit.

Read and in Answer to this petition

*Resolved* That the Sum of Twenty pounds be allowed and paid out of the publick Treasury to the petitioner Daniel Waldo in full discharge of the Losses & services within mentioned. [*Passed December 19.*]

Legislative  
Records of the  
Council, xiii.,  
487. Mass.  
Archives,  
xvii., 482.

Mass.  
Archives,  
xvii., 479.  
House Jour-  
nal, p. 31.  
Province  
Laws, x., 50,  
chap. 109.

## CHAPTER 51.

ORDER GRANTING 300 ACRES OF LAND TO JOS. HILL ESQ<sup>R</sup>.

A PETITION of Joseph Hill of Wells in the County of York Esq<sup>r</sup> Shewing that he has been in sundry Engagements in the Service of his Country in the War against the Indian Enemy from the Time of the Administration of Sir Edmund Andrews's Governm<sup>t</sup> In many of which Engagements several of the Indians have been slain; And therefore Praying, that for his Services therein, this Court would please to grant him Two or three Hundred Acres of the unappropriated Lands of the Province lying within the County of York aforesaid.

Read &

*Ordered* that the Petitioner have Leave by a Survey<sup>r</sup> & Chain men

Legislative  
Records of the  
Council, xiii.,  
488.

House Jour-  
nal, p. 32.

under Oath to survey & lay out Three Hundred Acres of the unappropriated Lands of the Province, Provided the same does not hinder the Settlement of any of the new Towns proposed to be made on the Line of Towns in the County of York, And that the Petitioner be directed to return a Plat of the Land within twelve Months for Confirmation in Answer to this Petition. [*Passed December 19.*]

## CHAPTER 52.

### RESOLVE ACCEPTING THE REPORT REFERRING TO THE PURCHASERS OF HASSANAMISCO LAND.

Legislative  
Records of the  
Council, xlii.,  
490. Mass.  
Archives,  
cxlii., 738.

Mass.  
Archives,  
cxlii., 736.  
House Jour-  
nal, pp. 30, 42.  
Province  
Laws, ii., 467,  
chap. 14.  
*Ante*, p. 233,  
chap. 36.

JOHN STODDARD ESQ<sup>r</sup> from the Committee appointed to project a Method to oblige the Purchasers of Hasanamisco Lands to comply with the Conditions of the purchase, gave in the following Report; viz,

The Committee having considered the several Articles & Conditions on which the Petitioners for Hassanamisco have Liberty to purchase a Tract of Land commonly known by that Name of the Indians Proprietors thereof, are humbly of Opinion, That the Petition<sup>rs</sup> before the Execution of their Deeds, shall each one for him self respectively be bound to the Trustees appointed for the said Indians, & their Successors with Sureties for Paying a Forty ninth Part of the Cost of building a Meeting House convenient for the publick Worship for them selves & nine English Families already settled in Hassanamisco, & the Indian Inhabitants of said Hassanamisco, as also for paying the same Proportion for building a School House convenient for the teaching to read & write the Children of the same Inhabitants as well Indians as English, And that they set a part Twenty Acres of said Land for the Use of said School to remain for said Service for ever, & also for paying the same Proportion for & towards the settling a learned orthodox Minister, & for setting forth to the said Minister a Lot of Land equal to the other Allotments, to be his own as soon as he takes Office among them. & likewise the building for him self said Petitioner a convenient Dwelling House & breaking up four Acres of Land in the Lott or Dividend that shall be apportioned & set off to him; All to be within the Time & according to the Limitations in the Act of the Great & General Court relating thereto in their present Session; And for as much as there are nine English Families already settled on Lands in Hassanamisco that will be accomodated by the Meeting House, School House, Minister, & School Master in said Hassanamisco, as above, The Committee humbly propose that the said nine Families be by an Act of this Great & General Court required to pay a forty ninth Part each to & for erecting & finishing said Meeting House, & to & for the support of said Minister & School master, And in as much as the Maintaining said Minister & School Master are to be from Generation to Generation, & consequently not so proper for Condition in a Bond, the Committee humbly conceive that in the afore said Act of this Great & General Court, the said forty Petitioners with the other nine English Inhabitants shall be obliged from time to time for ever hereafter to maintain a Minister & School master for the Indians & their Children without Cost or Charge to the said Indians or their Posterity.

(Sign'd) JOHN STODDARD per Order.

Read & Accepted. [*Passed December 19.*]

## CHAPTER 53.

### RESOLVE AUTHORIZING THE TREASURER TO SUPPLY GOODS FOR THE INDIAN TRADE.

AN INDENT presented by Cpt. Samuel Jordan of sundry Goods & Merchandize, necessary for carrying on the Indian Trade at Biddeford Read and

*Resolved* That M<sup>r</sup> Treasurer Allen be and hereby is directed to send the particulars mentioned in the within Indent<sup>1</sup> to said Samuel Jordan to the Value of Two Hundred seventy Eight pounds, and that he inform the said Jordan that he Conform to the Rules & Instructions in disposing of the said goods & returning the proceeds thereof as he had to govern himself in the Sale of the goods sent him the last Session of the Court. [*Passed December 22.*]

Legislative  
Records of the  
Council, xlii.,  
463. Mass.  
Archives,  
xxxi., 153.

Mass.  
Archives,  
xxxi., 152.  
House Jour-  
nal, p. 43.  
*Ante*, p. 214,  
chap. 220.

## CHAPTER 54.

### ORDER ESTABLISHING A SESSION OF THE SUP<sup>R</sup> COURT IN THE COUNTY OF BARNSTABLE.

A PETITION of the Represent<sup>ves</sup> of the Towns within the Counties of Barnstable & Dukes County, Setting forth the great Inconveniencies the Inhabitants of the said Counties labour under by being obliged to attend the Superior Court of Judicature & Court of Assize in the County of Plymouth; And therefore Praying that the said Courts may sit once in the Year within the County of Barnstable in or about the Month of October or such other Time as this Court shall judge meet.

Read and

*Ordered* That the prayer of the petition be granted and the petitioners are allowed to bring in a Bill Accordingly. [*Passed December 22.*]

Legislative  
Records of the  
Council, xlii.,  
463. Mass.  
Archives, xli.,  
45.

Mass.  
Archives, xli.,  
43. House  
Journal, p. 42.  
Province  
Laws, i., 370,  
chap. 3; ii.,  
468, chap. 16.

## CHAPTER 55.

### VOTE FOR ENCOURAGING THE MAKING OF CANVAS.

A PETITION of John Powell of Boston Merch<sup>t</sup> Setting forth that he has found by Experience that the Flax & Hemp of this Countrey are very good & suitable for the making of Sail Cloth, by which Manu-

Legislative  
Records of the  
Council, xlii.,  
463. Mass.

<sup>1</sup> "beddiford y<sup>e</sup> 1 december 1727

M<sup>r</sup> treas<sup>r</sup> allen S<sup>r</sup> thes thinges under retten are what the Indians en formed Me thay Stand In Need of and desier thes thinges May be sent

from your hum<sup>ble</sup> Sarvient

SAM<sup>LL</sup> JORDAN

to 24 bus Meal  
to 60 detto of Corn  
to  $\frac{1}{2}$  a barrele powder  
to 2<sup>lb</sup> Shot  
to 4 or 5 good gons  
to 4 doz braces Kettles from 6 q<sup>t</sup> to 12 q<sup>t</sup>  
to 3 doz teen Kitteles 3 q<sup>t</sup> to 4 q<sup>t</sup>  
to 18 Steel trapes to Cath beewour  
to 300<sup>lb</sup> tobacco  
to 4 doz hatchets  
to 5 doz Steeles and 500 flents  
to 5 doz knives

to 4 or 5 hh<sup>d</sup> bread  
to 15 bus pees  
to Molls  
to rum  
to 3<sup>lb</sup> Coler thread  
to 3<sup>lb</sup> white thread  
to Som gartren  
to 4 peses of half thickes [illegible] read and  
blow  
to 4 or 5 peccess Strouds  
to 5 gross of Long pipes" — Mass. Archives,  
xxxi., 152.

Archives, lix.,  
287.

Mass.  
Archives, lix.,  
285, 290, 292, 293,  
294, 295, 297.  
House Jour.  
nal, pp. 27, 40,  
44. *Ante*, p. 52,  
chap. 133.

facture (if it be duly encouraged) great Advantages will accrue for the Trade of this Province by lessening the Importation of that Commodity, That the Memorialist has not had that Encouragement given him in his undertaking of that Business, which he expected; And for as much as he has already made a considerable Quantity of the said Cloth which the Sail makers allow to be as good as Hollands Duck, & has furnished the Merchant Vessels & Fishing Vessels with the same which will prove very advantageous to the Province & he finds it necessary to have a considerable Stock to carry on the said Manufacture to Effect, Therefore Praying that a Committee may be appointed to hear what Proposals he has to make the Court for such an Allowance as will effectually encourage his Undertaking.

Read and in Answer to the within Memorial

*Resolved* That for the Encouragement of, and to Enable the Memorialist to enter upon so great an Undertaking a Bounty of Thirty shillings be allowed and paid out of the publick Treasury to the said John powell and his Assigns only for & during the Space of Ten Years next comieng after the first day of January next for each and every piece of Duck or Canvas made of Hemp and Flax of the Growth of New England that shall be thirty Six yards long, Thirty Inches Wide of a good even thread well drove and of a good bright Colour being wrought wholly of good Strong water rotted Hemp or Flax that shall weigh Forty five pounds at least, each piece or Bolt, and pass the Survey of Such persons as shall be appointed by this Court to Survey the Same upon Oath, that then upon producing a Certificate the Treasurer of the province for the Time being be directed to pay to the Memorialist or his Order the aforesaid Bounty of Thirty shillings for every piece of Canvas so manufactured by the said John powell or his Underworkmen within this province for and during the space and Term of Ten years as aforesaid, all which pieces shall be Surveyed Sealed or marked by the aforesaid Surveyors, provided always that the Memorialist or his Assigns shall not be Entitled to the Bounty of the Twenty shillings or any part thereof given by this Court for the Encouragement of the aforesaid Manufacture at a Session begun and held at Boston the twenty fifth day of May 1726, And inas much as great Cost & Charge will attend Such an Employ, and the Memorialist necessitated to raise and expend very considerable Sums of Mony at his own risque It is further

*Resolved* that when and so soon as the Memorialist shall have made and perfected One Hundred pieces of Canvas That shall pass the Survey as aforesaid, the Treasurer of the province for the Time being shall advance and put into the Hands of the said John powell or his order Two Thousand pounds, and upon his making Five hundred other pieces of Canvas each piece to pass the Survey as aforesaid that shall be manufactured by him as aforesaid in the Space of one year only, The Treasurer of this province for the Time being shall advance and put into the hands of the said John powell or Order, Three Thousand pounds more to be continued in his hands, and by him improved for carrying on the aforesaid Manufacture for and during the Space of Nine Years from and after the first day of January next comieng, and that then he shall repay into the publick Treasury the first Two Thousand pounds, and That on the first day of January then next following which will be in the year of Our Lord One Thousand Seven hundred & thirty Seven, He the said John powell shall repay into the Treasury the aforesaid Three Thousand pounds, provided always that if by reason of the Death of the Memorialist or otherwise a Stop be put to the said Manufacture or that he or his Assigns do not make Five hundred pieces of Canvas that shall pass the Survey as aforesaid yearly after the Expiration of the Second year commencing from the first day of January next, that then

the Memorialist shall be obliged to pay into the publick Treasury the whole Money advanced and paid him within One year from the Time of the Works ceasing as aforesaid, The Memorialist to give Such Security as the General Court shall order for his true and punctual paying into the publick Treasury as is above directed. [*Passed December 23.*]

## CHAPTER 56.

### ORDER GRANTING PROVINCE LAND FOR A PRECINCT AT HADLEY.

A PETITION of Thomas Goodman & John Smith & nineteen others resident in a design'd Precinct in Hadley on the South of Mount Holyoke, Shewing that they labour under great Difficulties & Inconveniences by reason of their remote Distance from the Place of publick Worship in the said Town, they being eight Miles from the Meeting house, & the Way mountainous & bad, And that they are desirous to have the Worship of God among them, but they are so straiten'd in their Bounds that the said Tract of Land will not receive a competent Number of Persons to support the Worship of God, And for as much as there is a Tract of Land belonging to the Province Eastward of the Petitioners Habitations & between them & the Equivalent Lands so called, four Miles long & two Miles wide Which being added to the Petitioners Habitations would make a competent Precinct; And therefore Praying that this Court would grant the said Tract to the Petitioners & such other Persons of the intended Precinct as shall join with them in the space of two or three Years.

Read and

*Ordered* That the province Land within mentioned be and hereby is given and granted unto the petitioners and their Associates for Ever, provided there be forty families Setled on the Lands designed for a precinct, of which this Grant is to be Accounted part, within two years from this Date, And that they settle a learned orthodox Minister among them within the Space of three Years, And in Case the said Conditions be not perform'd that then the Land shall revert to the Province. provided also it interferes with no other or former Grant, of the General Court. [*Passed December 23.*]

Legislative  
Records of the  
Council, xiii.,  
495. Mass.  
Archives,  
cxlii., 725.

Mass.  
Archives,  
cxlii., 723.  
House Jour-  
nal, p. 44.

## CHAPTER 57.

### RESOLVE ALLOWING £12. 0. 4 TO THE HASSANIMISCO COMMITTEE.

AN ACCOUNT presented by Samuel Thaxter & others a Committee of this Court appointed to repair to Hassanimisco, of their Time & Expence in the said Service, Amounting to the Sum of £15. 15. 4.

[Read and]

*Resolved* that the Sum of Twelve Pounds & four pence be allowed & paid out of the publick Treasury to Samuel Thaxter Esq<sup>r</sup> to be by him repaid to whom the same is respectively due in full Discharge of the said Account, And that the Trustees appointed by this Court to see the Petitioners for Hassanimisco comply with the proposed Settlements, be directed to pay the said Sum into the publick Treasury when the said Petitioners shall pay them the Consideration of the Purchase. [*Passed December 23.*]

Legislative  
Records of the  
Council, xiii.,  
495.

House Jour-  
nal, p. 31.  
*Ante*, p. 169,  
chap. 88; p. 240,  
chap. 52.

Legislative  
Records of the  
Council, xiii.,  
496. Mass.  
Archives,  
lviii., 297.

Mass.  
Archives,  
lviii., 295.  
House Jour-  
nal, p. 47.  
*Ante*, p. 212,  
chap. 213.

## CHAPTER 58.

## ORDER REFERRING COLHASSET PETITION TO THE NEXT SESSION.

ON THE PETITION of John Jacobs Agent for the Precinct of Colhasset in the Town of Hingham [*ante*, p. 212, chap. 213]

*Ordered* that this Petition be further refer'd to the next Session of this Court, That so the Town of Hingham may have an Opportunity to accomodate the Matter among them selves. [*Passed December 26.*]

## CHAPTER 59.

RESOLVE ALLOWING PAYMENT OF THE MUSTER ROLL OF THE GAR-  
RISON AT RICHMOND FORT.

Legislative  
Records of the  
Council, xiii.,  
497. Mass.  
Archives, xci.,  
255.

Mass.  
Archives, xci.,  
254. House  
Journal, p. 48.

A MUSTER ROLL of the Company in His Majestys Service at the Fort at Richmond, Containing an Account of Wages due to them for their Service under the Command of Cpt. Joseph Heath from the 17<sup>th</sup> of August to the 20<sup>th</sup> of Decem<sup>r</sup> 1727, Amounting to the Sum of £230. 6. 3.

Read and Accepted and

*Resolved* That the Sum of Two Hundred and thirty pounds Six shillings and three pence be allowed and paid out of the publick Treasury to Cap<sup>t</sup> Joseph Heath to be by him repaid to the Officers & soldiers born on the said Roll to whom the Same is due in full discharge thereof. [*Passed December 27.*]

## CHAPTER 60.

## RESOLVE FOR MAKING RESTITUTION TO THE INDIANS.

Legislative  
Records of the  
Council, xiii.,  
498. Mass.  
Archives,  
cxix., 303.

Mass.  
Archives,  
cxix., 302, 304.  
Legislative  
Records of the  
Council, xiii.,  
489, 496.  
*Infra*, chap.  
61.

A COMPUTATION presented by M<sup>r</sup> Treasurer Allen of the Differences of the Prices of the Bever sold at Boston (which Prices were according to his Directions) & the Price in Cpt. Thomas Smiths Invoice Amounting to the Sum of £77. 2. 6.

Read and

*Resolved* That M<sup>r</sup> Treasurer Allen be and hereby is directed to purchase the Value of Seventy seven pounds, two shillings and Six pence in such goods As may be pleasing and Acceptable to the Indians, and that the said Goods be delivered to the Indian Delegates now here by them to be delivered to those Indians that paid their skins &c in Trade at S<sup>t</sup> Georges in proportion to their Trade, and the Difference of the prices of the said Skins between S<sup>t</sup> Georges, and the Market they Sold at in Boston.<sup>1</sup> [*Passed December 27.*]

## CHAPTER 61.

## VOTE SELECTING TRUCK MASTERS.

Legislative  
Records of the  
Council, xiii.,  
498. Mass.  
Archives,  
cxix., 308.

Legislative  
Records of the

THIS DAY the following Persons were elected by a Major Vote of the Council & Represent<sup>ves</sup> to be Truck Masters for Managing the Indian Trade the ensuing Year: Viz,

<sup>1</sup> Not found in the House Journal.



M<sup>r</sup> Samuel Wainwright to reside at the Block House at S<sup>t</sup> Georges River.

And Joseph Heath Esq<sup>r</sup> to reside at the Fort at Richmond. [*Passed December 27.*]

Council, xiii., 489, 492, 497.  
House Journal, p. 50.  
*Supra*, chap. 60.

## CHAPTER 62.

### RESOLVE ALLOWING PAYMENT OF CPT. JOHN GYLES'S MUSTER ROLL & ACC<sup>t</sup>.

A MUSTER ROLL of the Company in his Majestys Service at the Block House on S<sup>t</sup> Georges River under the Command of Cpt. John Gyles Containing an Accompt of Wages due to them for their Service from Aug. 18, 1727, to December 21. Instant, Amounting to the Sum of £219. 6 Together with an Accompt of Disbursements of the said John Gyles on the Chiefs of the Penobscot Indians, Amounting to the further Sum of £18. 6.

Legislative Records of the Council, xiii., 499. Mass. Archives, xci., 260.

Mass. Archives, xci., 258, 259. House Journal, p. 48.

Read and Accepted and

*Resolved* That the sum of Two Hundred and Nineteen pounds six shillings be allowed and paid out of the publick Treasury to Cap<sup>t</sup> John Gyles to be by him repaid to the officers and Soldiers born thereon to whom the Same is respectively due in full of their Wages, and that the Sum of Thirty four shillings and three pence be allowed and paid out of the publick Treasury to Cap<sup>t</sup> Thomas Smith being for his Servants Wages on his passage to S<sup>t</sup> Georges being three Weeks and three days and further that the Sum of Eighteen pounds Six shillings be allowed and paid out of the publick Treasury to Cap<sup>t</sup> John Gyles in full discharge of his Accompt of Disbursements to the Roll annexed. [*Passed December 28.*]

## CHAPTER 63.

### VOTE ALLOWING £100 TO EUNICE WHITE.

A PETITION of Eunice White, Relict Widow of Cpt. John White late of Lancaster Dec<sup>d</sup> Shewing that her late Husband in his Life time in the Years 1724, & 1725, as well as at other Times performed sundry Marches against the Indian Enemy, & was with the Company of the late Cpt. Lovewell when he slew the ten Indians, That he voluntarily enlisted him self, altho in former Marches against the Indian Enemy he him self had the Command, & that for the Service of the Province, & for forwarding the Marches against the Indian Enemy he expended a good Part of his Substance, that among other Services he enlisted a Company of Voluntiers & marched designing for a Fort beyond Pig-wacket, but was taken sick before he got there, & returned Home & died of the said Sickness, leaving the Petitioner with seven Children most of them being very young & one of them posthumous & all in very difficult Circumstances; Praying that this Court in Consideration of the Services & Expences above mentioned, & out of their great Goodness & Compassion would grant her Two Hundred & fifty Acres of the unappropriated Lands of this Province that she may dispose of the same for the Education of her aforesaid Children, and that this Court would otherwise relieve her as to their great Goodness shall seem fit.

Legislative Records of the Council, xiii., 499. Mass. Archives, lxxii., 328.

Mass. Archives, lxxii., 325. House Journal, pp. 51, 52. Province Laws, x., 597, chap. 53; 612, chap. 95.

Read and in Answer to this Petition

*Resolved* That the sum of One Hundred pounds be allowed and paid out of the publick Treasury to the petitioner the Widdow Eunice White in Consideration of the good Services done this province. by her late husband Cap<sup>t</sup> John White and great Expences for which he has had no Consideration as particularly Set forth in the petition, and the better to enable the petitioner to support her Family and bring up her Children. [*Passed December 28.*]

## CHAPTER 64.

### VOTE RETAINING ABRA. JOHNSON IN THE SERVICE OF THE PROVINCE AND ALLOWING HIM £4 PER MONTH.

Legislative  
Records of the  
Council, xiii.,  
500. Mass.  
Archives,  
lxxii., 330.

Mass.  
Archives,  
lxxii., 329.  
House Jour-  
nal, p. 49.  
*Ante*, p. 232,  
chap. 35.

A MEMORIAL of Abraham Johnson, Setting forth his humble and hearty Thanks to this Court for their great Goodness & Bounty to him in paying the Money for his Ransom out of Captivity, & allowing him suitable Cloathing, And that he hopes he shall be able to serve his Countrey as an Interpreter in the Indian Language & as a Pilot But for as much as he lost the proper Season for his learning to write & Cypher by his being so many years in the Hands of the Indians as a Prisoner, He therefore proposes to spend some time for the fitting him self for the Service of his Countrey.

Read and

*Voted* That His Honour the Liev<sup>t</sup> Gov<sup>r</sup> be desired to give his orders for the retaining the Memorialist in the Service of the province and that he be posted at the Truck House at S<sup>t</sup> Georges River where he may be instructed in Writing Cyphering &c by the Chaplain, and may also be of Service to the Chaplain in respect of the Indian Language, and for the Encouragement of the publick Service herein

*Resolved* That the Sum of Four Pounds be allowed to the Memorialist *per* Month during his Continuance in the service and that His Honour would please to give his orders that One of the Soldiers at the said Truck House may be discharged, provided Nevertheless that the Memorialist be not subjected to the Duty of a private Centinel. [*Passed December 28.*]

## CHAPTER 65.

### ORDER ABOUT COMMITTEE ON TURKEY HILLS AFFAIR.

Legislative  
Records of the  
Council, xiii.,  
501.

Legislative  
Records of the  
Council, xiii.,  
497, 498.  
House Jour-  
nal, p. 54.  
Province  
Laws, ix., 696,  
chap. 113.  
*Ante*, p. 235,  
chap. 42.

In Council;

*Ordered* that the Committee appointed by this Court to grant out Allotments in the new Towns at Turkey Hills lay before this Court on or before the fifth Day of January next an Account of all their Proceedings in the said Affairs, And that the further Consideration of the Petition of Jonathan Whitney be suspended in the mean Time: In the House of Represent<sup>es</sup> Read & Concur'd with the Amendm<sup>t</sup> viz. That the said Committee do then produce their Books & all other Accompts of Money by them or any of them received by any ways or means for the Admission of the Grantees or effecting the Settlement, & how the same has been disposed of by them or any of them.

In Council; Read & Concur'd. [*Passed December 28.*]

## CHAPTER 66.

ORDER DIRECTING JUDGMENT TO BE MADE UP IN ACCORDANCE WITH  
AN AWARD.

ON THE PETITION of Nathaniel Nichols & Isaac Oldham of Pembroke,  
[*ante*, p. 125, chap. 336]

*Ordered* that the Prayer of the Petition be so far granted, as that the Justices of the Inferior Court of Common Pleas for the County of Plymouth be impowered & directed to make up Judgement on the Award therein mentioned at their next Session.<sup>1</sup> [*Passed December 29.*<sup>2</sup>

Legislative  
Records of the  
Council, xlii.,  
497.

House Jour-  
nal, p. 56.  
*Ante*, p. 125,  
chap. 336.

## CHAPTER 67.

RESOLVE ALLOWING £3. 17. 9 TO CPT. W<sup>M</sup> WOODSIDE.

AN ACCOMPT presented by Cpt. William Woodside of Disbursem<sup>ts</sup> in Repairs at Fort George, Entertaining Indians, Mending the Whale Boat, & Haling Wood, Amounting to the Sum of £19. 4. 9.

Read and Accepted and

*Resolved* That the sum of Three pounds Seventeen shillings and Nine pence be allowed and paid out of the publick Treasury to William Woodside in full discharge of this Accompt. [*Passed December 29.*<sup>3</sup>

Legislative  
Records of the  
Council, xlii.,  
504. Mass.  
Archives, xci.,  
262½.

Mass.  
Archives, xci.,  
262½. House  
Journal, p. 54.

## CHAPTER 68.

## ORDER ON ELEA. COLMANS PETITION GRANTING TRIAL OF A CAUSE.

A PETITION of Sylvanus Bourn of Barnstable as Attorney to Eleazar Colman of Newington in the Province of New Hampshire, Shewing that at the Inferior Court of Common Pleas for the Island of Nantucket held the first Tuesday in October 1726, the Petitioner as Attorney &c brought his Action of Ejectment against Richard Gardner of the said Island Esq<sup>r</sup> for the Recovery of certain Lands there, that his Writ was abated by the Judgement of the said Court, from which he appealed to the Superior Court held at Boston on the second Tuesday of August, & there obtained a Reversion of the said Judgement, that thereupon he determined to prosecute the said Action at the Inferior Court of Common Pleas held at Nantucket aforesaid in October last & proceeded to the Place where he was to take Boat a full Week before the Sitting of the said Court, but a violent Storm then happened, so that he could not get over till it was too late to go on with his Action at that Term, And therefore Praying that he may have Liberty to try the said Action at the Inferiour Court to be held at the said Island in March next upon the Writ or an authentick Copy thereof,

Read &

*Ordered* that the Prayer of the Petition be granted, And the Justices of the Inferior Court of Common Pleas by Law appointed to be held

Legislative  
Records of the  
Council, xlii.,  
504.

House Jour-  
nal, p. 56.  
Province  
Laws, i., 369,  
chap. 2.

<sup>1</sup> The House Journal adds, "*Provided*, The Petitioners Notifie the said *Abraham Booth* of this Order at least Fourteen Days before the Sitting of the said Court."

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 27.

<sup>3</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 30.

& kept at Sherburn aforesaid on the last Tuesday of March next be & hereby are impowered & directed to hear & try the Cause within mentioned on the Original Writ or an authentick Copy thereof, enter up Judgement and award Execution accordingly, Provided the Petitioner or his Principal serve the said Richard Gardner Esq<sup>r</sup> with a Copy of this Order fourteen Days at least before the Sitting of the said Court; Any Law, Usage or Custom to the Contrary Notwithstanding. [*Passed December 30.*]

## CHAPTER 69.

### RESOLVE ALLOWING PAYMENT ON CPT. WM<sup>th</sup> WOODSIDES MUSTER ROLL OF THE GARRISON AT FORT GEORGE.

Legislative  
Records of the  
Council, xiii.,  
504. Mass.  
Archives, xci.,  
262.

Mass.  
Archives, xci.,  
261 *bis*, 261½.  
House Jour-  
nal, pp. 47, 55.

A MUSTER ROLL of the Garrison in His Majestys Service at Fort George at Brunswick under the Command of Cpt. William Woodside Containing an Account of Wages due to the said Garrison for their Service from the 24<sup>th</sup> of June 1727, to the 23<sup>d</sup> of December following, Amounting to the Sum of £145. 10. 3.

Read and Accepted and

*Resolved* That the sum of One Hundred and Twenty pounds <sup>1</sup> 10<sup>d</sup> be allowed and paid out out<sup>1</sup> of the publick Treasury to the Officers and soldiers born on the within Roll to whom the same is respectively due in full discharge of the Wages thereof, exclusive of the Wages due to Capt William Woodside, and that the sum of Eight pounds, One shilling and Six pence part of the said Woodside's Wages be allowed and paid out of the publick Treasury to Cap<sup>t</sup> John Gyles to be by him repaid to Bartholomew and Toma two Indians to whom the said William Woodside gave his Notes at the late Conference to pay them the like sum, and that the sum of Six pounds five shillings and two pence the Residue & remaining part of the Wages due to the said Woodside be detained in the Treasury until he make it Appear that he has paid the Sum of £2. 16. 6<sup>d</sup> to Pier and Araumaumet two other Indians to whom he gave his Notes for the said Sum at the late Conference at Casco Bay. [*Passed December 31.*<sup>2</sup>]

## CHAPTER 70.

### ORDER RELEASING SAM<sup>ll</sup> SEWALL ESQ<sup>r</sup> FROM PAYMENT OF A TAX.

Legislative  
Records of the  
Council, xiii.,  
506.

Legislative  
Records of the  
Council, ix.,  
366; xi., 319.  
House Jour-  
nal, p. 57.  
Province  
Laws, ii., 246,  
chap. 6; ix.,  
338, chap. 169.  
*Ante*, p. 237,  
chap. 46.

A PETITION of Sannel Sewall Esq<sup>r</sup> Shewing that whereas a Vote was pass'd by this Court in their present Session, subjecting the Proprietors of Lands within the settling Part or six Miles square of the Town of Rutland to a Tax of One peny per Acre for five Years to come. And the Petitioner being a Proprietor of One Thousand Acres within the said six Miles square, the Original Grant of which was from the General Court under the former Charter, & the said Land is confirmed to him by a saving Clause in the Grant made to the Proprietors of Rutland, that he has not received anything from the said Propriet<sup>rs</sup> & therefore he conceives his Land ought not to be subjected to the said Tax, & so it was adjudged by the General Court in the Year 1721. & Praying that by a Vote of this Court he may be exempted from the said Assessment.

<sup>1</sup> *Sic.*

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 30.

Read &

*Ordered* that the Prayer of the Petition be granted, And that the Petitioner his Heirs and Assigns are accordingly hereby declared to be freed from & not subjected to the Payment of the said Tax for the Term aforesaid, the aforesaid Order Notwithstanding. [*Passed January 1.*]

## CHAPTER 71.

RESOLVE ALLOWING £4. 18 TO BENJ<sup>A</sup> LARRABEE.

A PETITION of Benjamin Larrabee Praying the Allowance of the Sum of Nine Pounds sixteen shillings which he expended in a Journey to Brunswick in Pursuance of the Commands of His Honour the Lieutenant Governor, the Particulars of which Charge he is ready to lay before this Court if they desire it.

Legislative  
Records of the  
Council, xiii.,  
506. Mass.  
Archives,  
lxxii., 323.

Read and Accepted and

*Resolved* That the Sum of Four pounds Eighteen shillings be allowed and paid out of the publick Treasury to the Memorialist Benjamin Larrabee in full discharge thereof. [*Passed January 1.*]

Mass.  
Archives,  
lxxii., 322.  
House Jour-  
nal, p. 54.

## CHAPTER 72.

ORDER GRANTING A LICENSE TO NOAH CHASE TO KEEP A TAVERN.

A PETITION of Noah Chase of Rehoboth in the County of Bristol Shewing that his Habitation is situated very conveniently for an House of Entertainment That there is now but one Tavern in the said Town & that about to be laid down, & that several of the principal Inhabitants of the said Town are very desirous that the Petitioner should keep a publick House there, And therefore Praying that he may be enabled to take a Licence at the next General Sessions of the Peace for the said County;

Legislative  
Records of the  
Council, xiii.,  
507.

Read &

*Ordered* that the Justices of the Peace for the County of Bristol in their next General Sessions are hereby impowered (if they see Cause) to grant a Licence to the Petitioner to keep a Tavern in Rehoboth accordingly, The Time by Law appointed for granting Licences this present Year being elapsed Notwithstanding. [*Passed January 1.*]

House Jour-  
nal, p. 56.  
Province  
Laws, ii., 415,  
chap. 1.

## CHAPTER 73.

RESOLVE ALLOWING £10 TO D<sup>R</sup> SAM<sup>LL</sup> MOODY.

AN ACCOMPT presented by D<sup>r</sup> Samuel Moodey of Medicines and Attendance on the Soldiers Eastward, Amounting to the Sum of £34. 11/.

[Read and]

*Resolved* that the Sum of Ten Pounds be allowed & paid out of the publick Treasury to the Accomptant D<sup>r</sup> Samuel Moodey or his Order in full Discharge of this Accompt. [*Passed January 1.*]

Legislative  
Records of the  
Council, xiii.,  
507.

House Jour-  
nal, p. 58.

## CHAPTER 74.

## RESOLVE GRANTING 100 ACRES OF LAND TO JOHN WINSLOW.

Legislative  
Records of the  
Council, xiii.,  
507.

Legislative  
Records of the  
Council, xiii.,  
491. House  
Journal, p. 57.

*Resolved* that One Hundred Acres of the unappropriated Lands of this Province lying within the County of York be granted unto Mr John Winslow the Eldest Son of the said Isaac Winslow Esq<sup>r</sup> in Consideration of the good Services done by the said Cpt. Josiah Winslow who lost his Life in the publick Service; Provided it does not hinder the Settlement of any new Town; And that a Plan thereof be returned to this Court within twelve months for Confirmation. [*Passed January 1.*]

## CHAPTER 75.

## ORDER IMPOWERING WM PITMAN BY A WRIT OF REVIEW TO CONTEST AN ACCOUNT.

Legislative  
Records of the  
Council, xiii.,  
481, 507. Mass.  
Archives, xli.,  
38.

Mass.  
Archives, xli.,  
35, 39. House  
Journal, p. 60.

A PETITION of William Pitman of Boston Mariner Shewing that he commenced his Action against Barrat Dyer of Boston Cooper, For that he having delivered fifty one Quintals of Fish to the said Dyer for him to sell on the Petitioners Account; that the Judgement of the Courts thereon was, That the said Dyer render an Account of the said Fish to the Petitioner, & that in Default thereof, the Petitioner recover of him the Sum of Sixty Pounds & Costs, that the said Dyer has lodged in the Clerks Office of the Superior Court a pretended Account, the several Articles of which are false, & he has no Manner of Vouchers to support them; And for as much as the Petitioner can not review the said Action according to the Course of the Law, Therefore Praying Relief from this Court that he may be empowered by a Special Order to review the said Action at the next Superiour Court, & that the said Account may be tried by a Jury.

Read and

*Ordered* [that]<sup>1</sup> the Petitioner be & hereby is Impowered by Writt of Review to contest in the Law before the next Superiour Court of Judicature to be Holden at Boston in & for the County of Suffolk the Account of Barret Dyer of the Petitioners Fish by him sold, Given in to the Clerk of the Superior Court the tenth of March 1726. And the Justices of the said Court are Impower'd & Directed to try the same accordingly, Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed January 2.*]<sup>2</sup>

## CHAPTER 76.

## ORDER IMPOWERING RACH. WHITTEN AS ADMINISTRATRIX TO SELL LAND.

Legislative  
Records of the  
Council, xiii.,  
509.

House Jour-  
nal, p. 64.  
*Ante*, p. 236,  
chap. 45.

A PETITION of Rachel Whitten Reliet Widow & Administ<sup>x</sup> of Elias Whitten late of Newbury Dec<sup>d</sup> Shewing that she obtained Liberty of the Justices of the Superior Court to sell twelve Acres being Part of thirty two Acres of Land, of which her said Husband died seized (which he purchased of Dr Bayley of Haverhill) for paying the Debts of the

<sup>1</sup> Inserted from the State Library copy. Legislative Records of the Council, xiii., 507.

<sup>2</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 1.

Deceased, But for as much as the Circumstances of the said Land are such as that she can not sell the said twelve Acres without much Damage to the Remainder, Therefore Praying that she may be impowered to sell the Whole, the Residue of the Produce thereof, after the Debts are paid, to be reserved for her self & her Children in such Manner as the Law provides.

Read &

*Ordered* that the Prayer of the Petition be granted, And that the Petitioner be & hereby is impowered to make Sale of the thirty two Acres of Land mentioned in the Petition And that the just Debts & Legacies of the Petitioners late Husband Elias Whitten be paid out of the Produce thereof, & that the Remainder of the same be employed for the best Advantage of the Petitioner & her Children; One third Part thereof to be for the Petitioners Benefit & the other two Thirds for her Children according to the Directions of the Law; Who are to be paid their rateable Part of the Principal as they come of Age, & the Widows Part to be divided among them after her Death, And that Cpt. Henry Rolfe of Newbury be joined with the Petitioner as a Trustee for selling the Land & disposing & improving the Money produced thereby, Provided the Petitioner give sufficient Security to the Judge of the Probate of Wills for the County of Essex for fulfilling the Conditions above mentioned. [*Passed January 3.*]

## CHAPTER 77.

### RESOLVE DIRECTING TRUCK MASTERS TO SUPPLY PROVISIONS TO INDIANS.

PROPOSALS made by Cpt. John Gyles of several Things to be given to the Indian Messengers now attending as also of Supplies for the Families of those Indians gone on Messages for this Governm<sup>t</sup>

Legislative  
Records of the  
Council, xiii.,  
510. Mass.  
Archives,  
xxxi., 156, 157.

That the officer or Truck Master at S<sup>t</sup> Georges be Directed to Deliver y<sup>e</sup> famolies of y<sup>e</sup> Two Indian Messengers gone to Cape Sables Suitable provision to Sustain them in those Indians Absence.

Mass.  
Archives,  
xxxi., 156.

That y<sup>e</sup> officer Or Truck Master at Richmond be Directed in like manner to Deal with y<sup>e</sup> famolies of the Two Indians gone westward

JOHN GYLES

Jan<sup>ry</sup> 1: 1727/8

Five blankets for Francis Xavier & a silver plate in Lieu of a Belt & blankets he gave to the Anesaguntacooks & others not Exceeding £12

Read and

*Resolved* That the Treasurer be & hereby is directed to furnish the particulars above & within Mentioned<sup>1</sup> assoon as may be & the Truck Masters at S<sup>t</sup> Georges and Richmond are also directed to supply the Families of the Four Indians within mentioned (gone on publick Errands) with suitable provisions till their Returns respectively.<sup>2</sup> [*Passed January 3.*]

<sup>1</sup> "Humbly Proposed  
That Espegweeret have given him  
viz A Broad Cloath Coat Trim<sup>d</sup> with Silver Lace  
1 Ruill<sup>d</sup> Shirt  
1 p<sup>r</sup> Shoes & Hose  
1 Hatt with gold Lace  
Each of y<sup>e</sup> other three  
1 hatt with gold lace  
1 Blanket with Silver Ditto  
1 Ruill<sup>d</sup> Shirt." — Mass. Archives, xxxi., 156.  
<sup>2</sup> Not found in the House Journal.

## CHAPTER 78.

ORDER IMPOWERING ROBT AUKMUTY ESQ<sup>R</sup> TO ENTER AN ACTION.

Legislative  
Records of the  
Council, xiii.,  
510.

House Jour-  
nal, p. 61.

A PETITION of Robert Aukmuty Esq<sup>r</sup> Shewing that Yesterday being the first Day of the Inferiour Court of Common Pleas held at Boston for the County of Suffolk he was obliged to withdraw from the Court & return Home, by reason of great bodily Pain & Indisposition, by which means he omitted entering a Demurrer of Thomas White & Ebenezer White Demurrants against Peter Marvel, And for as much as divers Witnesses are attending on the Affair, Therefore Praying that he may be now impowered by this Court to enter the said Action.

Read &

*Ordered* that the Prayer of the Petition be granted, And the Petitioner is hereby impowered & allowed to enter the said Action, And the Justices of the said Court are accordingly directed to admit the said Entry; Any Law, Usage or Custom to the Contrary Notwithstanding. [*Passed January 3.*]

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## CHAPTER 79.

ORDER IMPOWERING THE TREASURER TO FURNISH M<sup>R</sup> MOSES HALE WITH HOUSEHOLD SUPPLIES.

Legislative  
Records of the  
Council, xiii.,  
511.

House Jour-  
nal, p. 61.  
*Ante*, p. 195,  
chap. 167.

A MEMORIAL of M<sup>r</sup> Moses Hale appointed Chaplain at the Truck House on St Georges River, Praying that he may be supplied with a Bed & Bedding, Table, Chairs & other Necessaries for his comfortable Subsistence.

Read &

*Ordered* that the Prayer of the Petition be granted, And the Treasurer is accordingly impowered & directed to supply the Particulars within mentioned, the Bed & other Furniture to be for the Use of the Chaplain of the said Truck House for the Time being. [*Passed January 3.*]

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## CHAPTER 80.

## ORDER ALLOWING A PERCENTAGE TO CAPT JOS HEATH TO COVER WASTE IN RETAILING GOODS TO THE INDIANS.

Legislative  
Records of the  
Council, xiii.,  
511.

House Jour-  
nal, pp. 61, 62.  
Province  
Laws, ii., 365,  
chap. 11.

A MEMORIAL of Cpt. Joseph Heath Truck master at Richmond Fort, Setting forth that whereas in the Act for regulating the Trade with the Indians it is among other Things Enacted that the Truck Master shall sell the Goods to the said Indians at the Price set in the Invoice from time to time without any Advance, the said Truck masters must inevitably lose considerably in the Delivery of Bread, Rum, Molasses, Tobacco &c unless there be some Allowance made to them for Wastage thereon, And therefore Praying that this Court would give him Orders in the Matter, as well as respecting the Entertainm<sup>t</sup> of the Indians that come there.

Read &

*Ordered* that each Truck master be & hereby is allowed ten Pounds per Cent. on Rum, Molasses Sugar, Corn, Meal, Bread & Tobacco that is disposed of by them by Retail, & that the said Truck masters on all



proper Occasions may at his or their Discretion with the Advice of the Commanding Officer at the Trading House, entertain the Indians in the Name of the Governm<sup>t</sup> at the Province Charge, he or they Keeping a Particular Account of the same, & laying it before the next Session of the General Court for their Allowance, Any Law Usage or Custom to the Contrary notwithstanding. [*Passed January 3.*]

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## CHAPTER 81.

RESOLVE ALLOWING £17. 13 TO SHER. WINSLOW.

AN ACCOMPT presented by Edward Winslow Esq<sup>r</sup> Sheriff of the County of Suffolk, for sending of Proclamations into the other Counties as also Writs for calling an Assembly, together with the Treasurers Warrants for levying the Tax, Amounting to the Sum of £33. 13.

[Read and]

*Resolved* that the Sum of Seventeen Pounds thirteen shillings be allowed & paid out of the publick Treasury to the Accomptant Edward Winslow Esq<sup>r</sup> in full discharge thereof. [*Passed January 3.*]

Legislative  
Records of the  
Council, xiii.,  
511.

House Jour-  
nal, pp. 32, 43.

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## CHAPTER 82.

RESOLVE ALLOWING £20. 10 TO EDWARD WINSLOW.

AN ACCOMPT presented by Edward Winslow Esq<sup>r</sup> of sundry Repairs of the Province House, Amounting to the Sum of £20. 12.

Read and Accepted and

*Resolved* That the Sum of Twenty pounds ten shillings be allowed and paid out of the publick Treasury to the Accountant Edward Winslow Esq<sup>r</sup> to be by him paid to the persons to whom the Same is respectively [due]<sup>1</sup> in full discharge thereof and that no Office be at any time hereafter kept or private Family entertained in the province house inas much as it tends greatly to frustrate the Good Ends of the Government in the purchase of that House, designed only for the Reception and Entertainment of the Governour or Commander in Chief for the time being, and that the said Edward Winslow Esq<sup>r</sup> be directed to Notifie any private person or Family that may be in the said House of this order as Soon as may be Conveniently. [*Passed January 4.*]

Legislative  
Records of the  
Council, xiii.,  
512. Mass.  
Archives, vi.,  
15.

House Jour-  
nal, p. 62.

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## CHAPTER 83.

ORDER ON WOBURN NORTH WEST INHAB<sup>TS</sup> PETITION PRAYING AN ANSWER TO PETITION WITHIN A SHORT TIME.

A PETITION of the Inhabitants of the North Westerly Part of the Town of Woburn, Shewing that at the Session of this Court in August last they prefer'd their Petition, Setting forth their Difficulties with respect to their remote Distance from the Place of publick Worship in the said Town & the Badness of the Way, Praying to be set off a distinct Precinct, That an Order of the Court was then made that the Town of Woburn should give their Answer to the said Petition, but no set Time appointed for the delivering it in, And for as much as they have

Legislative  
Records of the  
Council, xiii.,  
514.

House Jour-  
nal, p. 71.  
*Ante*, p. 193,  
chap. 162.

<sup>1</sup> Inserted from Legislative Records of the Council, xiii., 512.

already served the said Town with a Copy of the said Petition, Praying that some short time may be appointed for the said Towns giving in their Answer to the said Petition.

Read &

*Ordered* that the former Petition herein refer'd to be revived, And that the Petitioners now serve the Town of Woburn with a Copy of this Petition & Order, that they may give in their Answer<sup>1</sup> on the second Thursday of the next Session. [*Passed January 4.*]

## CHAPTER 84.

RESOLVE ALLOWING £20 TO JOS. PIERCE.

Legislative  
Records of the  
Council, xlii.,  
515. Mass.  
Archives,  
lxxii., 306.

Mass.  
Archives,  
lxxii., 304.  
House Jour-  
nal, p. 67.

A PETITION of Joseph Pierce of Boston, Shewing that in the Year 1711, he was impressed in the Service of the Province, being sent to the Garrison of Annapolis, And the Fort being attacked by the Enemy he was wounded in his Right Thigh whereby he is in a great Measure disabled from providing for him self, being thereby necessitated to leave off his Trade of a Joiner, Praying that this Court would grant him such Allowance for his Loss of Time & sufferings by his said Wounds as in their great Justice & Goodness they shall think fit.

Read & Accepted and

*Resolved* That the Sum of Twenty pounds be allowed and paid out of the publick Treasury to the petitioner Joseph Pierce in Consideration of his Smart and Loss of Time occasioned by the Wound within mentioned. [*Passed January 5.*]

## CHAPTER 85.

RESOLVE ALLOWING £14. 2 TO COLL. JOHN STODDARD.

Legislative  
Records of the  
Council, xlii.,  
516.

House Jour-  
nal, p. 67.  
*Ante*, p. 173,  
chap. 98.

AN ACCOMPT presented by John Stoddard Esq<sup>r</sup> of his Attendance on His Honour the Lieuten<sup>t</sup> Govern<sup>r</sup> at the late Ratification of the Treaty at Falmouth in July last, Amounting to the Sum of £14. 2.

[Read and]

*Resolved* that the Sum of Fourteen Pounds two shillings be allowed & paid out of the publick Treasury to the Accomptant John Stoddard Esq<sup>r</sup> in full Discharge of the said Accompt. [*Passed January 5.*]

## CHAPTER 86.

RESOLVE ALLOWING 40<sup>s</sup> TO HENRY MARSHAL.

Legislative  
Records of the  
Council, xlii.,  
516. Mass.  
Archives,  
lxxxviii., 360.

Mass.  
Archives,  
lxxxviii., 358.  
House Jour-  
nal, p. 67.

A MEMORIAL of Henry Marshal Post Master at Boston, Praying an Allowance from this Court for his Care of the publick Letters of the Governm<sup>t</sup> for two years past, the Time he has been in the said Office

Read and Accepted and

*Resolved* That the Sum of Forty shillings be allowed and paid out of the publick Treasury to the Memorialist Henry Marshall for his past service in taking Care of the publick Letters and that hereafter a particular Accompt of His Service of the like Nature be laid before this Court before any allowance be made therefor. [*Passed January 5.*]

<sup>1</sup> The House Journal here inserts, "if they see cause."

## CHAPTER 87.

## ORDER GRANTING THE PETITION OF THE GUARDIANS OF JAMES &amp; MARY HOULTON TO SELL LAND.

A PETITION of William Stacey, Ralph Lindsey & Shelton Felton Guardians to the Children of James & Mary Houlton alias Stacey late of Salem Dec<sup>d</sup> Shewing that the said William Stacey & Mary his Wife formerly Mary Houlton Execut<sup>x</sup> to the said James Houlton Dec<sup>d</sup> together with James Rowland of Marblehead did by their Petition prefer'd to this Court in June 1727<sup>1</sup> obtain Power & Authority to make & pass a good Deed or Deeds of a certain Messuage & Lands in Lyn to Benjamin Newhall whereby the said Houltons Estate may be discharged of a certain Bond mentioned in the said Petition which may appear by the said Order; but so it is, That the said James Rowland has refused to do his Part in executing a lawful Deed of the said Messuage & Land in Lyn to the said Newhall, & has brought a Writ of Trespass & Ejectment for Recovery of his Grand mother Sarah Lyndseys Right in the Tenement in Lyn for Life (which she has released to him) & recovered Judgement against the said Newhall, who has thereupon sued the Bond of £295 by which the said James Houlton Dec<sup>d</sup> as Guardian to the said Rowland was bound to the said Newhall to make a good Title to the said House, & Land in Lyn aforesaid, & recovered Judgement thereupon & levied his Execution on twenty three Acres of Land in Salem belonging to the said Houltons Estate; And therefore Praying that the Petitioners (Guardians as aforesaid) together with Ebenezer Proctor of Salem aforesaid & Mary his Wife the only Child of the said James Houlton that is arrived at lawful Age may be authorized & impowered to execute a good Deed in the Law for the before mentioned House & Land in Marblehead to the highest Bidder, which with the small Quantity of Personal Estate of the said James Houlton Deceased will probably enable the Petitioners to redeem the said twenty three Acres of Land & prevent the great Damage that will otherwise come to the said Orphans.

Read and

*Ordered* That the prayer of the petition be granted and the petitioners together with the said Ebenezer proctor & Mary his Wife or the Major part of them be and hereby are fully Authorized & impowred to make Sale of the House and Land in Marblehead within mentioned to the highest Bidder they giving publick Notice thirty days at least before the day of sale of the time and place they shall Appoint for the same in Marblehead, and the petitioners or Grantors shall be and hereby are obliged and directed to pay and deliver the Amount of what the said House and Land shall sell for to the said Benjamin Newhall in order to redeem the said Twenty three acres of Land for the Sole Use Benefit and Behoof of the Children & Heirs of the said James Houlton deceased Any Law Usage or Custom to the contrary notwithstanding. [*Passed January 5.*]

Legislative  
Records of the  
Council, xiii.,  
516. Mass.  
Archives,  
xvii., 488.  
Mass.  
Archives,  
xvii., 487.  
House Jour-  
nal, p. 65.  
Province  
Laws, x., 620,  
chap. 118.

<sup>1</sup> A mistake for 1725. See House Journal, p. 65, and Province Laws, x., 620, chap. 118.

## CHAPTER 88.

## ORDER CONSTITUTING A NEW PRECINCT OF THE SOUTH PART OF BRANTREY.

Legislative  
Records of the  
Council, xiii.,  
517. Mass.  
Archives, xi.,  
478.

Mass.  
Archives, xi.,  
477, 478. House  
Journal, p. 64.

A PETITION of John Niles, Samuel Payne & others Inhabitants of the South Precinct in Brantrey, in behalf of them selves & their Neighbours Praying to be set off a separate & distinct Precinct agreeable to a Vote pass'd at a Precinct Meeting legally warned & held the 19<sup>th</sup> of Decem<sup>r</sup> last, exhibited with the said Petition.

Read and

*Ordered* That the prayer of the petition be granted and that the petitioners with their Families and Estate lying & being within the Lines particularly Set forth & described in & by a Vote of the south precinct in Brantrey at a Meeting regularly held there the Nineteenth day of December last past to the petition Annexed are hereby constituted a separate & distinct precinct and invested and endowed with equal powers privileges and Immunities with any other precinct in the province and that M<sup>r</sup> John Nyles jun<sup>r</sup> a principal Inhabitant in the said precinct be impowred and directed to Notifie and summon the Inhabitants duly qualified for Voters to assemble & Convene for the Choice of precinct Officers to stand until the next Annual Election according to Law. [*Passed January 5.*]

## CHAPTER 89.

## RESOLVE FOR AN ADDITIONAL ALLOWANCE TO CPT. JOHN GYLES.

Legislative  
Records of the  
Council, xiii.,  
518. Mass.  
Archives,  
cxix., 311.

Mass.  
Archives,  
cxix., 309.  
House Jour-  
nal, p. 67.  
*Ante*, p. 202,  
chap. 188.

A MEMORIAL of Cpt. John Gyles, Setting forth the Difficulty of his Employment in the Indian Affairs, & the Increase of his Trouble by the Indian Trade, as likewise his great Trouble in gaining of Intelligence & in writing the most particular Accounts to His Honour the Lienten<sup>t</sup> Governor, that his Allowance for his Services to the Governm<sup>t</sup> is not sufficient for the support of him self, And therefore Praying the Consideration of this Court, & such further Allowance for his Services as they shall judge meet.

Read and Accepted and

*Resolved* That for the future there be allowed and paid out of the publick Treasury to the Memorialist Cap<sup>t</sup> John Gyles Six pounds p Month (including the £4 p Month. passed in August last) in Consideration of his being employed in Negotiating the affairs of the Government with the Indians as well as interpreting in the Indian Trade. [*Passed January 5.*]

## CHAPTER 90.

## ORDER APPOINTING A COMMITTEE ON LEICESTER PROPRIETORS PETITION TO SETTLE BOUNDARY LINES.

Legislative  
Records of the  
Council, xiii.,  
513. Mass.  
Archives,  
cxiii., 722.

Mass.  
Archives,  
cxiii., 720, 740.

A MEMORIAL of Samuel Green of Leicester in behalf of the Inhabitants of the said Town, Shewing that upon the Petition of the Propriet<sup>rs</sup> of the Westerly Part of the said Town prefer'd in June last, the General Court were pleased to order that the Select men of the Town of Brookfield should not proceed to run the Line between the said two Towns till the further Order of the said Court, that the said Proprietors

of the Westerly Part of Leicester are desirous to have their Lands divided & lotted out, which cannot be done till the Line between the said two Towns be adjusted & settled, Therefore Praying that a Committee may be appointed to run the Divisional Lines between the said Towns

In Council; Read &

*Ordered* that John Chandler Esq<sup>r</sup> with such as the Hon<sup>ble</sup> House of Represent<sup>ves</sup> shall appoint be a Committee to repair to the Towns of Leicester & Brookfield, (seasonably Notifying the Select Men of s<sup>d</sup> Towns of the Time of their Coming) & that y<sup>s</sup> make Inquiry as to the Divisional Line between the said Towns, And hear the Pleas & Allegations of the Parties & examine the Records respecting the same; And make Report at the next May Session where the said Line ought to be fixed & settled The said Towns not to run their Lines or Boundaries till that Time; The Charge to be paid as this Court shall then Order.

In the House of Representatives

Read & Concurd &

*Ordered* That Benjamin Prescot Esqr. and M<sup>r</sup> John Gunn be joyned in the affair. [*Passed January 6.*<sup>1</sup>

House Journal, p. 71.  
*Ante*, p. 137,  
chap. 7.

## CHAPTER 91.

### RESOLVE ALLOWING PAYMENT OF THE MUSTER ROLL OF SLOOP ENDEAVOUR CPT. THO: SAUNDERS.

A MUSTER ROLL of the Sloop Endeavour, Cpt. Thomas Saunders Master a Transport in the Service of this Province, Containing an Accompt of Wages due to the said Master & Company for their Service from the 30<sup>th</sup> of June to the 28<sup>th</sup> of Decem<sup>r</sup> 1727, together with the Hire of the said Sloop the said Time, Amounting to the Sum of £218. 15.

Read and Accepted and

*Resolved* That the Sum of Two Hundred and Eighteen pounds fifteen shillings be allowed and paid out of the publick Treasury to the said Thomas Sanders to be by him repaid to the persons born on this Roll as the same is respectively due in full discharge of the sloop hire and Wages thereof. [*Passed January 6.*<sup>2</sup>

Legislative Records of the Council, xiii., 519. Mass. Archives, xci., 257.

Mass. Archives, xci., 256. House Journal, p. 63.

## CHAPTER 92.

### ORDER OF NOTICE ON PETITIONS OF THE INHAB<sup>TS</sup> OF THE WESTERLY & NORTH EASTERLY PARTS OF TAUNTON.

A PETITION of the Inhabitants of the Westerly & an other of the North Easterly Part of Taunton, Setting forth their great Difficulties in attending on the publick Worship of God in the Middle of the Town. And therefore Praying that they may be set off from the first or old Parish to be a separate & distinct Precinet.

Read &

*Ordered* that the Petitioners serve the Town of Taunton with Copys of these two Pe[t]itions, That so they give in their Answer thereto (If they think fit) on the first Tuesday of the next May Session. [*Passed January 6.*<sup>2</sup>

Legislative Records of the Council, xiii., 517. Mass. Archives, xl., 470.

Mass. Archives, xl., 466 *bis*, 468, 470. House Journal, pp. 65, 70.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 4.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 5.

## CHAPTER 93.

## ORDER IMPOWERING MARY SHARP BY A WRIT OF REVIEW TO CONTEST AN ACTION.

Legislative  
Records of the  
Council, xlii.,  
510. Mass.  
Archives, xli.,  
42.

Mass.  
Archives, xli.,  
41. House  
Journal, pp. 60,  
73.

A PETITION of Mary Sharp of Kingstone of the Island of Jamaica Widow, Shewing that at the Inferior Court of Common Pleas, held at Boston for the County of Suffolk in April 1726, & at the Superior Court held in August following she recovered Judgement against Benjamin Gallop of Boston, That he should Accompt for & pay the Rent of four seventh Parts of a certain Messuage in Boston within three Months or in Default thereof that the Petitioner should recover of the said Gallop the Sum of Sixty Pounds Damage & Cost of Courts. That on the fifteenth of Novem<sup>r</sup> following the said Gallop filed in the Office of one of the Clerks of the Superior Court an Accompt whereof the Ballance is £17. 15. 3 Which Accompt is not proved at all nor ever can be, but the Contrary may with Ease, & yet the Petition<sup>r</sup> hath no Remedy in the Common Course of the Law. It being the Opinion of the Justices of the Superiour Court that no Review can ly on a Complaint for not prosecuting an Appeal, which was the Case here; And therefore Praying that by an Order of this Court she may have a Special Writ of Review to try the Justice of that Accompt.

Read &

*Ordered* that the Prayer of the Petition be granted, And that the Petitioner be & hereby is Impowered by Writt of Review to contest in the Law before the next Superiour Court of Judicature to be Holden at Boston in & for the County of Suffolk the Accompt of Rents of a certain Messuage in Boston filed in the Clerks Office of the said Court by Benjamin Gallop the fifteenth of Novem<sup>r</sup> last & refer'd to in the Petition, And the Justices of the s<sup>d</sup> Court are Impowered & Directed to try the same accordingly; Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed January 8.*<sup>1</sup>

## CHAPTER 94.

RESOLVE APPOINTING A COMMITTEE TO HAVE CHARGE OF REPAIRING Y<sup>E</sup> PROVINCE HOUSE.

Legislative  
Records of the  
Council, xlii.,  
523. Mass.  
Archives,  
xlviii., 453.

Legislative  
Records of the  
Council, xlii.,  
496. House  
Journal, p. 74.

*Resolved*<sup>2</sup> That M<sup>r</sup> Speaker M<sup>r</sup> Cooke and M<sup>r</sup> Cushing be a Committee to have the care of the Effecting the repairs of the Province House for the reception and Accomodation of His Excellency William Burnett Esq<sup>r</sup> (& his Family) who may Speedily be Expected to take upon him the charge of this Government, the repairs to be Effectuated being as followeth vizt That the Great lower room in the Front be Wainscotted after the best and newest Fashion, that the Cieling in that room be lowered & the doors altered. That the Windows be altered and Sash Lights made throughout the House, the Windows to be Cased several of them with seats; That there be a Landry built where the Outkitchen stands upon that by raising a story thereon; That the Brick Wall in the Front being now very much out of repair be taken down and rebuilt with new Bricks as it now stands or with a Pallisado fence on the Top thereof as hereafter may be thought advisable.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 3.

<sup>2</sup> "*Voted*" in Legislative Records of the Council, xliii., 523.

That the Lanthorn or Cupola on the Top of the House, being grown very weak, be well & Sufficiently repaired and made strong with New doors and Sash Windows. The Paved Walk from the Gate to the Steps Enttring the house to be taken up & anew laid. And that the s<sup>d</sup> Committee be Impowred to cause such other Repairs to be Effectted, as they in their best prudence and discretion shall judge necessary to be done. [*Passed January 8.*<sup>1</sup>

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## CHAPTER 95.

RESOLVE ALLOWING 40/ TO JOSIAH JOHNSON FOR MEDICINE AND A FURTHER SUM OF £15.

A PETITION of Josiah Johnson, Shewing that the Wounds he received in the publick Service at Pigwacket in the Action under Cpt. John Lovel are still open & not cured, so that he is rendered incapable of providing for him self by his Labour, & has been put to forty shillings Charge for Medicines, Praying that the said Sum may be reimbursed to him, & that he may have an Annual Pension on the Account of the said Wound.

Read and Accepted and

*Resolved.* That the Sum of Forty shillings be allowed and paid out of the publick Treasury to the petitioner for so much by him expended in Medicines for his Wound, and that the further Sum of Fifteen pounds be allowed and paid out of the publick Treasury to the said Josiah Johnson in Consideration of his Disability occasioned by the said Wound. [*Passed January 8.*<sup>2</sup>

Legislative  
Records of the  
Council, xiii.,  
525. Mass.  
Archives,  
lxxii., 312.

Mass.  
Archives,  
lxxii., 310.  
House Jour-  
nal, p. 70.  
*Ante*, p. 166,  
chap. 79.

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## CHAPTER 96.

RESOLVE DIRECTING THE TREASURER TO ADVANCE £1,000 FOR THE INDIAN TRADE.

*Resolved* That the Treasurer be and hereby is directed to Advance the sum of One Thousand pounds out of the publick Treasury to the Stock already granted for carrying on the Trade with the Indians the said Sum to be used and employed by the Treasnrer agreeable to the Directions of this Court for carrying on the said Trade. [*Passed January 9.*<sup>3</sup>

Legislative  
Records of the  
Council, xiii.,  
521. Mass.  
Archives,  
cxix., 315.

House Jour-  
nal, p. 73.  
*Ante*, p. 226,  
chap. 16.

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## CHAPTER 97.

ORDER ALLOWING A SERVANT TO SAM<sup>LL</sup> WAINWRIGHT TRUCKMASTER.

A MEMORIAL of Samuel Wainwright appointed Truck master for managing the Indian Trade at S<sup>t</sup> Georges River, Praying that he may have Liberty to take his Servant with him to assist him in the said Affair, & that he may be allowed Centinels Pay in the said Garrison, which is a Privilege that was allowed his Predecessor Cpt. Smith

Legislative  
Records of the  
Council, xiii.,  
522.

House Jour-  
nal, p. 74.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 9.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 9.

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 8.

*Ante*, p. 139,  
chap. 181;  
p. 244, chap. 61.

Read &

*Ordered* that the Prayer of the Memorial be granted, & that the Memorialist be allowed a Servant to assist him accordingly in the room of C<sup>pt</sup>. Thomas Smiths Servant, & also that he be allowed Centinels Pay; And

*Voted* that His Honour the Lieuten<sup>t</sup> Govern<sup>r</sup> be desired to give his Order to the Commanding Officer to enlist the Memorialists Man accordingly. [*Passed January 9.*]

## CHAPTER 98.

### VOTE APPOINTING THE SURVEYORS OF CANVAS.

Legislative  
Records of the  
Council, xiii.,  
522. Mass.  
Archives, lix.,  
303.

House Jour-  
nal, p. 72.  
*Ante*, p. 241,  
chap. 55.

*Voted* That Messieurs Adino Bullfinch Charles Morris William Paley, Thornton Barrat, and William Bullfinch Any Three of whom to be a Quorum, be a Committee fully Authorized & impowred to Examin & Survey all Such pieces of Duck or Canvas Manufactured within this province by M<sup>r</sup> John powell his under workmen or assigns as shall be presented to them, for the Treasurers Direction to pay to the said John Powell or his Assigns the Bounty of Thirty shillings ~~p~~ Bolt for all such Duck or Canvas manufactured as aforesaid, which shall pass their Survey & by them marked agreeable to the Resolve for granting the said Bounty, and for their Service shall have twelve pence per Bolt for each Bolt so surveyed to be paid by the Owner or Owners thereof. [*Passed January 9.*]

## CHAPTER 99.

### ORDER IMPOWERING THE INDIAN PROPRIETES OF OYSTER ISLAND, TO SELL THE SAME.

Legislative  
Records of the  
Council, xiii.,  
467, 524.

House Jour-  
nal, p. 72.

A PETITION of Sarah Sampson & divers other Indians Proprietors of a small Island in the County of Barnstable called Oyster Island Shewing that they are infirm of Body & considerably in Debt to Daniel Parker Esq<sup>r</sup> & others, & are in great Necessity for a present support, Therefore Praying that they may be impowred by this Court with the Assistance of two or three judicious English men to make Sale of the said Island that so with the Produce thereof they may be enabled to pay their just Debts & be supported with the Remainder.

In Council; Read &

*Ordered* that the Prayer of the Petition be granted, & that Isaac Winslow & John Cushing Esq<sup>rs</sup> with such as the Hon<sup>ble</sup> House of Represent<sup>es</sup> shall appoint be Trustees for the Indian Proprietors of Oyster Island, & that they assist the said Indians in making Sale of the said Island to the highest Bidders, Notice first to be given of the said Sale in Manner as is by Law provided for selling Estates by Order of the Justices of the Superior Court of Judicature; The Deed or Deeds to be approved of by the said Trustees, who are to receive the Money to be produced by the said Sale for the Use of the Indians & to pay their just Debts out of the same and make Report to this Court at their next May Session.

In the House of Represent<sup>es</sup>

*Voted* a Concurrence with the Hon<sup>ble</sup> Board, & Edmund Freeman Esq<sup>r</sup> is added to the Comm<sup>tee</sup> on the Affair. [*Passed January 9.*]



## CHAPTER 100.

ORDER DIRECTING CPT. THO. SMITH TO GO TO ST. GEORGES AND  
INVENTORY STORES THERE.

A PETITION of Cpt. Thomas Smith, Praying that for as much as this Court hath elected an other Truck master in his room to reside at St Georges, he may have Leave to go to St Georges in the Countrys Sloop to inventory & deliver the Province Stores to his said Successor, & that the Master of the said Sloop may be directed to bring him back to Boston with his Servant & other things he has there.

Legislative  
Records of the  
Council, xlii.,  
525. Mass.  
Archives,  
cxix., 314.

Mass.  
Archives,  
cxix., 313.  
House Jour-  
nal, p. 70.  
*Ante*, p. 259,  
chap. 97.

Read and

*Ordered* That the prayer of the petition be granted. [*Passed January 9.*]

## CHAPTER 101.

## VOTE FOR A PRESENT TO THE PENOBSCOT INDIANS.

*Resolved* That M<sup>r</sup> Treasurer be & hereby is directed to purchase a Quantity of Goods to the Value of Thirty Five pounds such as may be most Acceptable to the penobscot Indians, and deliver the Same to Cap<sup>t</sup> John Gyles to be by him distributed to the penobscot Indians according to his best Direction.<sup>1</sup> [*Passed January 9.*]<sup>2</sup>

Legislative  
Records of the  
Council, xiv.,  
8. Mass.  
Archives,  
xxxI., 159.

Mass.  
Archives,  
xxxI., 158.

## CHAPTER 102.

RESOLVE IMPOWERING THE TREASURER TO FURNISH CPT. JOHN GYLES  
WITH STORES.

A MEMORIAL of Cpt. John Gyles, Setting forth that there are sundry things necessary for repairing the Truck house at St Georges River, & also for making convenient Lodgings for the Chaplain, & a Shop for the Armourer, & also Half a Barrel of Powder for the Use of the Garrison, Praying for the Order of the Court referring to those Things.

Legislative  
Records of the  
Council, xlii.,  
526. Mass.  
Archives,  
lxxii., 333.

Mass.  
Archives,  
lxxii., 332.  
House Jour-  
nal, p. 75.

Read and in Answer to this Memorial

*Resolved* That M<sup>r</sup> Treasurer be and hereby is directed to furnish the Memorialist with half a barrell of powder for the Use of the Block House, and the other necessarys for the Convenient Lodging of the Chaplain & shop for the Armourer there, & other repairs at the said Block House. [*Passed January 10.*]<sup>3</sup>

## CHAPTER 103.

## ORDER REFERRING EASTON PETITION TO THE NEXT SESSION.

A PETITION of John Phillips, Thomas Randal & sundry others Inhabitants of the Town of Easton, Shewing that there are divers Inhabitants of the North Precinct in Bridgewater, consisting of about twelve Families

Legislative  
Records of the  
Council, xlii.,  
528.

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 17.

<sup>3</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 9.

House Journal, p. 76.

that live near to their Line, & are very desirous to be set off to the said Town of Easton, as appears by their Petition therewith presented; And therefore Praying that the said Families may be annexed to Easton according to a Line particularly described in the said Petition.

Read &

*Ordered* that the Consideration of these two Petitions be refer'd to the next Session of this Court, & in the mean time that the Petitioners serve the Town as well as the North Precinct in Bridgewater with Copies thereof, that they shew Cause why the Prayer thereof should not be granted. [*Passed January 10.*]

## CHAPTER 104.

VOTE ON THE MEM<sup>o</sup> OF D<sup>r</sup> CUTLER & M<sup>r</sup> MYLES.

Legislative Records of the Council, xiii., 529.

Legislative Records of the Council, xiii., 482, 483, 500. House Journal, p. 106 (Aug., 1727); pp. 41, 49, 80.

ON THE MEMORIAL of D<sup>r</sup> Timothy Cutler & M<sup>r</sup> Samuel Miles [clergy-men of the Church of England] referring to their being Overseers of the College,

In the House of Represent<sup>ves</sup> Upon a Motion made & seconded

The House entered further into the Consideration of the Subject Matter of these Petitions; And the following Question was thereupon put, Viz, Whether it is within the Intent & Meaning of the Act of the General Court Anno 1642 & refer'd to in said Memorial Constituting the Board of Overseers, That the Rev<sup>d</sup> Memorialists the said D<sup>r</sup> Timothy Cutler, & M<sup>r</sup> Samuel Miles ought to be deemed Members of the Board of Overseers? It pass'd in the negative.

In Council; Read & Concur'd. [*Passed January 11.*<sup>1</sup>]

## CHAPTER 105.

RESOLVE GRANTING 200 ACRES OF LAND TO JOS. KELLOG.

Legislative Records of the Council, xiii., 530. Mass. Archives, xvi., 34.

Mass. Archives, xvi., 32. House Journal, p. 81. Province Laws, x., 357, chap. 209.

A MEMORIAL of Cpt. Joseph Kellog, Setting forth his Services as Interpreter to the Western Indians for many years past & in several other publick Employ<sup>ts</sup> Praying that this Court would consider the same & make him some Allowance out of their great Bounty & Goodness.

Read and Accepted and in Answer to this Memorial

*Resolved* That Two Hundred Acres of the Unappropriated Lands of this Province lying & being in the County of Hampshire be & hereby is given and granted unto the said Joseph Kellogg his Heirs and Assigns, and that he be allowed and impowred by a Surveyor and Chain Men on Oath to Survey and lay out the said Quantity of Land and return a Platt thereof to this Court within twelve Months for Confirmation. [*Passed January 12.*]

<sup>1</sup> The record of this vote is also given in substance on p. 500 of vol. xiii., Legislative Records of the Council, December 28, 1727, which was the time when the House acted. The Council's concurrence on January 11, 1727, as here given, is accordingly the true date of the vote of the legislature.

## CHAPTER 106.

RESOLVE ALLOWING £31. 5 TO SAM<sup>L</sup>. GERRISH.

AN ACCOMPT presented by Samuel Gerrish of the Charge of Paper, Printing &c of M<sup>r</sup> Foxcroft's Sermon, preached on Occasion of the late Earthquake, Amounting to the Sum of £31. 5.

[Read and]

*Resolved* that the Sum of Thirty one Pounds five shillings be allowed & paid out of the publick Treasury to the Accomptant Samuel Gerrish in full Discharge thereof. [*Passed January 12.*]

Legislative  
Records of the  
Council, xlii.,  
530.

House Jour-  
nal, p. 81.  
*Ante*, p. 230,  
chap. 30.

## CHAPTER 107.

ORDER REFERRING EDW<sup>D</sup> BELCHERS PETITION FOR REVIEW OF AN ACTION TO THE NEXT SESSION.

A PETITION of Edward Beleher of Milton, Shewing that Paul Dudley Esq<sup>r</sup> recovered Judgem<sup>t</sup> against him at the Inferior Court of Common Pleas held at Boston in October last in a Writ of Trespass & Ejectment for £69. 12 & Costs or Possession of the Messuage & Lands sued for & Costs; And for as much as the Petitioner claimed his Right under one Ephraim Brown of Coventry, who was not duly vouched in upon the Trial to warrant the said House & Land & he can not now in the Course of the Law be vouched in, so that the Petitioner will have no Remedy for recovery of his Damages of the said Brown, Praying Liberty to review the said Action at the next Inferior Court to be holden at Boston for the County of Suffolk.

Read &amp;

*Ordered* that this Petition be refer'd to the next Session of the Court for further Consideration, And that in the mean Time the Petitioner serve the said Ephraim Brown with a Copy thereof, that he shew Cause, if any he have, Why the Prayer thereof should not be granted. [*Passed January 12.*]

Legislative  
Records of the  
Council, xlii.,  
531.

House Jour-  
nal, pp. 79, 80.

## CHAPTER 108.

RESOLVE ALLOWING £22. 8. 6 TO D<sup>R</sup> GEO. PEMBERTON.

AN ACCOMPT presented by D<sup>r</sup> George Pemberton of Medicines & Attendance on the Garrison at Castle William from the 10<sup>th</sup> of June, to the 25<sup>th</sup> of Novem<sup>r</sup> 1727, Amounting to the Sum of £22. 8. 6.

[Read and]

*Resolved* that the Sum of Twenty two Pounds eight shillings & six pence be allowed & paid out of the publick Treasury to the Accomptant D<sup>r</sup> George Pemberton in full Discharge thereof. [*Passed January 12.*]

Legislative  
Records of the  
Council, xlii.,  
533.

House Jour-  
nal, p. 79.

## CHAPTER 109.

ORDER DECLARING THE CALL FOR A TOWN MEETING AT MEDFORD NULL &amp; VOID.

A PETITION of the Select men & others of the Town of Medford Com-  
plaining of a Warrant illegally & unduly obtained by divers Inhabitants

Legislative  
Records of the

Council, xlii.,  
530.

House Jour-  
nal, p. 86.

of the said Town of Benjamin Pool Esq<sup>r</sup> for calling a Town Meeting for making null & void divers Votes of former Meetings respecting their Meeting house, Praying for Relief from this Court.

Read together with the Answer of Stephen Greenleaf Richard Wait & Nathaniel Hall, & the Replication of the Petition<sup>rs</sup> And the same being fully considered :

*Ordered* that the Warrant of Benjamin Pool Esq<sup>r</sup> one of His Majestys Justices of the Peace for the County of Middlesex for calling a Town Meeting at Medford as refer'd to in the Petition, be & hereby is superseded & declared null & void. [*Passed January 13.*<sup>1</sup>

## CHAPTER 110.

### RESOLVE FOR EMITTING £12,000 IN BILLS OF CREDIT AND PROVIDING SECURITY.

Legislative  
Records of the  
Council, xiv., 1.

House Jour-  
nal, pp. 74, 75,  
79.

*Resolved* that the Treasurer be and hereby is impowered & directed to issue forth & emit, the sum of Twelve thousand Pounds in Bills of publick Credit on this Province, for the necessary Defence & Support of this Governm<sup>t</sup> & the Protection & Preservation of the Inhabitants thereof ; The said Twelve thousand Pounds being already in the Hands of the Treasurer, & received by Taxes, Impost &c, To be issued out & disposed of by Warrant under the hand of the Governor or Commander in Chief for the Time being, with the Advice & Consent of the Council ; Eleven thousand five hundred Pounds whereof shall be applied for the Uses Intents & Purposes in this Resolve hereafter expressed viz, For the Payment of all Grants, Premiums & Stipends established by Law, for the defraying & paying the Charges of Castle William, & the other Forts & Garrisons, Transports, Muster Rolls of Soldiers & Sailors, Allowances &c, and all other Accompts of Charges, allowed & pass'd on for Payment by this Court ; And the sum of Five hundred Pounds being the Residue & remaining Part of the said Twelve thousand Pounds, shall be employed for the Payment of Expresses dispatched in the Service of this Governm<sup>t</sup> in the Recess of the Court, together with all necessary unforeseen Charges that demand prompt Payment, which shall arise in the Recess of this Court as aforesaid ; Provided always that the several Draughts made on the Treasurer as aforesaid, shall express & declare out of which of the two sums afore mentioned the Money is to be paid ; And the said Bills shall pass out of the Treasury at the Value therein expressed, equivalent to Money, & shall be so taken & Accepted in all publick Payments ; And that the Duties of Impost & Excise, together with all other publick Incomes shall be a Fund & Security for the Payment & Drawing in the said Bills into the Treasury again so far as that will reach ;

And as a further Fund & Security for the same,  
It is further

*Resolved* that there be & hereby is granted unto his most Excellent Majesty for the Ends & Uses aforesaid, & for no other Ends & Uses whatsoever, a Tax of Twelve thousand Pounds to be levied upon Polls & Estates both real & personal within this Province according to such Rules & in such Proportions upon the several Towns & Districts within the same as shall be agreed on & ordered by the Great & General Court

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is January 12.

or Assembly of this Province at their Session in May 1737, & paid into the Treasury on or before the first day of December next After. [*Passed January 13.*]

## CHAPTER 111.

RESOLVE ALLOWING £5. 2. 6 TO JOS. MARION.

AN ACCOUNT presented by Joseph Marion of Writing by him done for the Publick at this Session, Amounting to the sum of £5. 2. 6.

Legislative  
Records of the  
Council, xlv., 4.

[Read and]

*Resolved* that the sum of Five Pounds two shillings & six pence be allowed & paid out of the publick Treasury to the Accomptant Joseph Marion in full discharge thereof. [*Passed January 15.*]

House Jour-  
nal, p. 81.

## CHAPTER 112.

ORDER ALLOWING £65. 15 TO CPT. SAM<sup>L</sup> HINKES.

A PETITION of Cpt. Samuel Hinkes, Shewing that while he was in the Command of Fort Mary he fell in Arrears to the Province in the sum of £65. 15/ in making up his Accompts with the Treasurer; And for as much as a great Part of said sum is lost by his trusting several of the Soldiers with the Province Stores & he is him self in distressed Circumstances by reason of his being put out of that Command, Therefore Praying that this Court would forgive him the said Debt of Sixty five Pounds fifteen shillings.

Legislative  
Records of the  
Council, xiv.,  
4. Mass.  
Archives,  
lxxii., 309.

Mass.  
Archives,  
lxxii., 307.  
House Jour-  
nal, p. 83.

Read and

*Ordered* That the prayer of the petition be granted, and the Treasurer is hereby directed to discharge the petitioner accordingly. [*Passed January 15.*]

## CHAPTER 113.

ORDER ON PETITION OF THO. & ANN LECHMERE APPOINTING A COMMITTEE, TO REPORT ON RESURVEY OF LANDS.

A PETITION of Thomas Lechmere & Ann his Wife; Which Ann is only Daughter (& Coheir with her Brother John Winthrop Esq<sup>r</sup>) to the Hon<sup>ble</sup> Wait Winthrop Esq<sup>r</sup> Dec<sup>d</sup> Shewing that this Court were pleased in June last, to appoint a Committee on the Petition of the Committee for Brimfield, to repair to certain Lands belonging to the Petitioners & their said Brother, called Tantinsques or the Lead Mines surveyed & laid out to their said Father in his Lifetime; And for as much as Nothing is done thereupon, Praying that the Bounds of the said Tract of Land may be ascertained, Agreeable to the Plats thereof taken by a faithful Artist, & Chain men & lodged in the Files of this Court, that so the Petitioners may have their proportionable Parts of the said Land set off to them.

Legislative  
Records of the  
Council, xlv.,  
4. Mass.  
Archives,  
xlv., 37.

Mass.  
Archives,  
xlv., 39, 40, 41.  
House Jour-  
nal, p. 82.  
*Ante*, p. 153,  
chap. 47.

In the House of Representatives

Read and in Answer to this Petition

*Ordered* That Maj<sup>r</sup> Tilestone and Major Quincy with such as the Honourable Board shall Appoint be a Committee to repair to the Town

of Brimfield & view the Lands surveyed and laid out to the late Honourable Waite Winthrop Esq<sup>r</sup> and report their Opinion as soon as may be, Whether it may be Convenient that a Reform of the said Survey should be made, that an Equivalent in Lands lying and being within the Township of Brimfield and Adjoyning to the remainder of the Lands within the aforesaid Survey be made to the Heirs of the late Honourable Waite Winthrop Esq<sup>r</sup> deceased

In Council

Read & Concur'd And Samuel Thaxter Esq<sup>r</sup> is join'd in the Affair. [*Passed January 15.*]

## CHAPTER 114.

ORDER REFERRING CPT. JOS. KELLOGS MEM<sup>o</sup> ABOUT THE TRADING HOUSE TO THE NEXT SESSION.

Legislative  
Records of the  
Council, xiv., 5.  
House Jour-  
nal, p. 80.

A MEMORIAL of Cpt. Joseph Kellog, Shewing that during his Captivity among the French & Indians he has had an Opportunity to observe the Circumstances of their Peltry Trade with the Indians in the Western Parts, which he is confident might be carried on by this Government to good advantage, Therefore Proposing that there might be a Trading house at the Block house above Northfield, or higher up on Connecticut River.

In the House of Represent<sup>ves</sup> Read &

*Ordered* that this Petition be refer'd to the next Session for further Consideration; & that in the mean time M<sup>r</sup> Cook, M<sup>r</sup> Remington, & M<sup>r</sup> Lewis, with such as the Hon<sup>ble</sup> Board shall appoint, be a Committee to take the Memorial into Consideration, & report their Opinion of what may be proper for this Court to do in answer thereto at the said Session.

In Council; Read & Concur'd; And Thomas Fitch, & Jonathan Belcher Esq<sup>rs</sup> are joined in the Affair. [*Passed January 15.*]

## CHAPTER 115.

RESOLVE ALLOWING £15 FOR BURYING AN INDIAN MESSENGER.

Legislative  
Records of the  
Council, xiv., 7.  
Mass.  
Archives,  
xxxI., 160.

*Ante*, p. 251,  
chap. 77.

*Resolved* That the Sum of Fifteen pounds be allowed and paid out of the publick Treasury to be disposed off in the best Manner for the Decent Interment of the Indian Messenger who dyed this morning, inclusive of Something convenient for the present necessary Support of his Family.<sup>1</sup> [*Passed January 16.*]

## CHAPTER 116.

RESOLVE ALLOWING £28. 8. 10 TO BENJ<sup>A</sup> ELLIOT.

Legislative  
Records of the  
Council, xiv., 7.  
House Jour-  
nal, p. 87.

AN ACCOMPT presented by Benjamin Elliot of Stationers Wares supplied the Secretarys Office the last Year, Amounting to y<sup>e</sup> sum of £28. 8. 10.

[Read and]

*Resolved* that the sum of Twenty eight Pounds eight shillings & ten pence be allowed & paid out of the publick Treasury to the Accomptant Benjamin Elliot in full discharge thereof. [*Passed January 16.*]

<sup>1</sup> Not found in the House Journal.

## CHAPTER 117.

RESOLVE ALLOWING £56. 12. 7 TO BENJA<sup>A</sup> ELLIOTS 2<sup>D</sup> ACC<sup>T</sup>.

AN ACCOMPT presented by Benjamin Elliot, of Stationers Wares delivered for the Use of the Council & House of Represent<sup>ves</sup> together with the Laws for the last Year, Amounting to the sum of £56. 12. 7.  
[Read and]

Legislative  
Records of the  
Council, xiv., 7.  
House Jour-  
nal, p. 87.

*Resolved* that the sum of Fifty six Pounds twelve shillings & seven pence be allowed & paid out of the publick Treasury to the Accomptant, M<sup>r</sup> Benjamin Elliot in full discharge thereof. [*Passed January 16.*]

## CHAPTER 118.

RESOLVE ALLOWING £51. 3 TO GREEN &amp; KNEELAND.

AN ACCOMPT presented by Bartholemew Green & Samuel Kneland of Paper & Printing the Votes of the House of Represent<sup>ves</sup> for the last May, August & October Sessions, Amounting to the sum of £51. 3.  
[Read and]

Legislative  
Records of the  
Council, xiv., 7.  
House Jour-  
nal, p. 85.

*Resolved* that the sum of Fifty one Pounds three shillings be allowed & paid out of the publick Treasury to the Accomptants Bartholemew Green and Samuel Kneeland in full discharge thereof. [*Passed January 16.*]

## CHAPTER 119.

VOTE FOR SUSPENDING AN ACTION AGAINST JOHN WHITNEY.

*Voted* That the Justices of the Inferiour Court of Common pleas for the County of Middlesex be and hereby are impowred and directed to suspend till y<sup>e</sup> further Order of this Court an Action of Debt depending between Samuel Jones, of Concord and Ephraim Satell of Groton, against Jonathan Whitney of Concord aforesaid to be heard and tryed at the next Inferiour Court of Commonpleas to be held at Charlstown in & for said County for the Recovery of Thirty five pounds it being really in Consideration of an Exchange of a Lott in the South Town at Turkey Hills. [*Passed January 17.*<sup>1</sup>]

Legislative  
Records of the  
Council, xiv.,  
6. Mass.  
Archives, xli.,  
86.  
House Jour-  
nal, pp. 88, 91.

## CHAPTER 120.

VOTE ACCEPTING THE REPORT ON THE AFFAIR OF TURKEY HILLS.

THE COMMITTEE on the Affair relating to the Committee for Turkey Hills & Jonathan Whitney gave in their Report: Which was Accepted by both Houses with Amendm<sup>ts</sup> & as amended is as follows; viz,

The Committee having considered the Circumstances of the new Plantations or Settlements on the Lands commonly called Turkey Hills, together with the Doings of the Committee appointed by this Court thereon, are humbly of Opinion, That in as much as the sum they were directed to take for each Lot was Five Pounds only for the

Legislative  
Records of the  
Council, xiv., 9.

Legislative  
Records of the  
Council, xiii.,  
518. House  
Journal, pp.  
87, 95, 96.  
*Ante*, p. 246,  
chap. 65.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 16.

Province, & pay for necessary Surveys; We humbly conceive that the Committee Declaring the Forfeiture of Lots, & settling at discretion for large sums of Money was beyond their Power & the Orders given them by this Court, & therefore It is just & reasonable the said Committee should repay such sums of Money as have been paid them over & above the afore said Sum of Five Pounds for the Province & a reasonable Allowance for the necessary Surveys & the Service of the Committee in & about such Lots, & deliver such Bonds as they have received of any Person or Persons for any of the said Lots to the Order of this Court. The Committee do further humbly propose That, as there is no Plan of the Lots, either in the South Settlement of Turkey Hills, or in the North, especially in the second Division or Allotment in the South Town, That this Court do give Order to the said Turkey Hill Committee to lay before them at their next Session a Plan of each Town & the several Lots in them, how they ly & are bounded, to whom granted & by whom now holden & how far improved or not; And that in the mean time the Grantees or Settlers use their best Endeavours to bring forward their building on & improvement of their respective Lots in said Plantation; And that said Committee be directed to present to this Court at their next Session a State of their Accompts as to their Receipts & Disbursements relating to the whole of this Affair. And for as much as Jonathan Whitney has been at considerable Expence in attending the Court; the Committee are of Opinion, that the same shall be born as this Court shall order at their next Session when said Turkey Hill Committees Accompts shall be laid before them. [*Passed January 17.*]

## CHAPTER 121.

### RESOLVE ALLOWING PAYMENT OF CAPT JAS WOODSIDES MUSTER ROLL.

In Council,

*Ordered* that a Message be sent down to the Hon<sup>ble</sup> House of Representatives to desire them to reconsider their Vote on the Muster Roll of Cpt. James Woodside & allow him & his Company the Pay justly due for their past Services without a Clause in the Nature of a Condition; Which the Board cannot in Justice come into; But in case it should afterwards appear to the Board that the said Woodside hath by his Mismanagement rendered him self obnoxious to the Governm<sup>t</sup> as the House seem to apprehend, that then the Board will be ready to join with them in a proper Application to the Chair.

In the House of Represent<sup>es</sup> Read & In answer to this Message.

*Resolved* that the Wages justly due on the Roll of Cpt James Woodside within refer'd to, be allowed & paid out of the publick Treasury to the Officers & Soldiers born thereon in full discharge thereof, Any other Vote on the said Roll notwithstanding.

In Council; Read & Concur'd. [*Passed January 17.*]

## CHAPTER 122.

### VOTE ACCEPTING THE REPORT REFERRING TO M<sup>r</sup> AGENT DUMMERS LETTERS RESPECTING THE LINE ON NEW HAMPSHIRE.

Legislative  
Records of the  
Council, xiv., 4.

THE COMMITTEE appointed to prepare the Draught of an Answer to M<sup>r</sup> Agent Dummers last Letter to this Court &c and report the same

Legislative  
Records of the  
Council, xiv., 3.

House Jour-  
nal, pp. 45, 77,  
90. *Ante*, p. 114,  
chap. 297.



as soon as may be, having met & considered of the Subject matter refer'd to therein, as also the last Instruction to the said M<sup>r</sup> Dummer, which accompanied an Address to his late Majesty King George are humbly of Opinion That in as much as M<sup>r</sup> Agent Dummer has signified to this Court the Continuance of his ill State of Health; on which account he declines taking the Managem<sup>t</sup> of the Affair of the Line between this Province & New Hampshire wholly upon him self, & that he judged it very expedient that some other Person also be employed therein whom he offers to assist, That there be some suitable Person appointed & empowered accordingly by this Court to act jointly with M<sup>r</sup> Agent Dummer in behalf of this Province in the said Affair, And in case he should be rendered uncapable (thro Indisposition) for the said Service or sh<sup>d</sup> decline it; that then the sole Power, & Authority do devolve on the other Person appointed & empowered as afore said; That this being done & concluded a Letter should be wrote agreeable to such Appointment of an other Agent, to be joined, or to act separately, as above, unto each of them respectively, to pursue the Instructions last sent him & therein to insist upon & press that Article of the said last Instruction, "As to procure Commissioners upon the Spot to view & consider &c". That also the Draught of an humble Address to his present Majesty be prepared purporting the same Matters & Things referring to the Settlement of the Line &c, which were represented in the last Address to his late Majesty on the same occasion; And that an attested Copy or Copies of M<sup>r</sup> Gorges & M<sup>r</sup> Masons Surrender of their joint Patent, & of their Taking several Years separate Patents (which happened to be done after the Patent granted to this Province) be transmitted to the Agent or Agents.

10. Mass. Archives, xx., 254.

Legislative Records of the Council, xlii., 453. Mass. Archives, xx., 253. House Journal, p. 33.

*Ordered* that this Report be Accepted. [*Passed January 18.*<sup>1</sup>

## CHAPTER 123.

### RESOLVE ALLOWING £10 TO ELEAZ. ROGERS.

A PETITION of Eleazar Rogers of Plymouth Setting forth his thankful Acknowledgem<sup>t</sup> of the Favour of this Court in granting him a Pension of Seven Pounds per Annum in consideration of his Disability by reason of a Wound received in the publick Service; And Praying for a further Allowance.

Legislative Records of the Council, xiv., 11. Mass. Archives, lxxii., 321.

Read and in Answer to this petition

*Resolved* That the Sum of Ten pounds be allowed and paid out of the publick Treasury to M<sup>r</sup> John Foster to be by him repaid to the petitioner Eleazer Rogers in Consideration of the wounds within mentioned. [*Passed January 18.*

Mass. Archives, lxxii., 320. House Journal, p. 93. *Ante*, p. 55, chap. 143.

## CHAPTER 124.

### RESOLVE ALLOWING £14. 15. 10 TO RICH<sup>d</sup> HUBBARD.

AN ACCOMPT presented by Richard Hubbard of several Charges at the Court House, Amounting to the sum of £14. 15. 10.

Legislative Records of the Council, xiv., 13.

[Read and]

*Resolved* that the sum of Fourteen Pounds fifteen shillings & ten

House Journal, p. 94.

<sup>1</sup> On the following day the committee reported a draft of a letter to Mr. Dummer, which was accepted by the Assembly; and it was then "Voted that Francis Wilks Esq<sup>r</sup> be joined in the Affair," with consent of the lieut. governor.

pence be allowed & paid out of the publick Treasury to the Accomptant Richard Hubbard, to be by him paid to whom it is respectively due, in full discharge thereof. [*Passed January 19.*]

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## CHAPTER 125.

RESOLVE ALLOWING £16. 14 TO BENJ<sup>A</sup> ROLFE.

Legislative  
Records of the  
Council, xiv.,  
13.

House Jour-  
nal, p. 95.

AN ACCOMPT presented by Benjamin Rolfe of Writing by him done for the Publick, in October last, & at the present Session, Amounting to the sum of £16. 14.

[Read and]

*Resolved* that the sum of Sixteen Pounds fourteen shillings be allowed & paid out of the publick Treasury to the Accomptant Benjamin Rolfe in full discharge thereof. [*Passed January 19.*]

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## CHAPTER 126.

RESOLVE ALLOWING £13. 12 TO SAM<sup>L</sup> TYLEY.

Legislative  
Records of the  
Council, xiv.,  
13.

House Jour-  
nal, p. 95.

AN ACCOMPT presented by Samuel Tyley of Writing done for the Publick from August last to this time, Amounting to the sum of £13. 12.

[Read and]

*Resolved* that the sum of Thirteen Pounds twelve shillings be allowed & paid out of the publick Treasury to the Accomptant Samuel Tyley in full discharge thereof. [*Passed January 19.*]

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## CHAPTER 127.

ORDER IMPOWERING MARG. RAWSON AS ADMINISTRATRIX, TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xiv.,  
14.

House Jour-  
nal, p. 96.

A PETITION of Margaret Rawson Reliet Widow of William Rawson late of Uxbridge Dec<sup>d</sup> Shewing that she has obtained a Licence from the Justices of the Superior Court of Judicature to make Sale of Part of the Lands of the Deceased for paying his just Debts, that she cannot sell a Part but it would be greatly detrimental to the whole. Praying that she may have Liberty to sell the whole of the Real Estate of her said Husband; for which she will be accountable.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petitioner be & hereby is empowered to make Sale of all the Homestead & Land mentioned in the Petition; & that the just Debts of the Petitioners late Husband William Rawson Dec<sup>d</sup> Intestate be paid out of the Produce thereof; & that the Remainder of the same be employed for the best advantage of the Petitioner & her Children; One third Part thereof to be for the Petitioners Benefit, & the other two Thirds for her Children, according to the Direction of the Law, who are to be paid their rateable Part of the Principle as they come of Age, & the Widows Part to be divided among them after her Death; And that

Edward Rawson & Ebenezer Read of Uxbridge be joined with the Petitioner as Trustees for selling & disposing of the Estate, & improving the Money produced thereby; Provided the Petitioner give sufficient Security to the Judge of the Probate of Wills for the County of Suffolk for fulfilling the Conditions above mentioned. [*Passed January 20.*]

## CHAPTER 128.

### VOTE FOR SENDING A MESSENGER TO CANADA FOR THE CAPTIVES &c.

INASMUCH as sundry of his Majestys Subjects of this Province have in the late Indian War been captivated & carried into divers Parts of the French Territories in Canada, & some of them remain at Quebeck, Mont Real, Trois Rivere, S<sup>t</sup> Francois &c; And it being the incumbent Duty of this Court to take all suitable Care for the Recovery of them;

Legislative  
Records of the  
Council, xlv.,  
15.

House Jour-  
nal, p. 82.

*Voted* that his Honour the Lieuten<sup>t</sup> Governor be desired to send a fit Person as Messenger from the Governm<sup>t</sup> with suitable Attendants to the Number of seven English, & one or two Indians to Pilot them from the County of Hampshire, the nearest way to S<sup>t</sup> Francois near Canada River with Letters to the Governor of the French Territories to demand of him all the British Subjects remaining in that Governm<sup>t</sup> as also to desire of the said Governor that the said Messengers be allowed to inquire after search & Speak with all the said Captives in any of the said French Territories & inform themselves of what they or any of them have cost to be got out out<sup>1</sup> of the Indians Hands, & upon what Terms they may be obtained in order to return; And that the said Messengers come home the best & most convenient Way; & make Report of their whole Negotiation to this Court on their Return hither: And inasmuch as it will tend to have good Pilots if the Rivers & Countrey at a distance from the Frontiers were known,

*Voted* that his Honour the Lieuten<sup>t</sup> Governor be desired to give Orders for the enlisting eight good able bodied Men to be put under the Conduct of a discreet Person, to march upon Connecticut River to a Branch thereof called Ammanuseck, & up the same, & round the White Hills, & down Amerescoggin River to Falmouth, Observing the distance of Rivers, Ponds & Hills, & Keeping a fair Journal of their Proceedings & lay the same before this Court; And for their Encouragem<sup>t</sup>

*Resolved* that the Officer, during the Time of his being in actual Service be entitled to Ten shillings per Diem, & each of the Men to eight shillings per Diem, they finding their own Subsistence; And that a like Number of Men be directed by his Honour the Lieutenant Governor to discover the Countrey between the said Connecticut River & the Lake, & especially the two Rivers running into the same, the one called Wenowsky or French River, & the other Otter Creek, & that they keep Journals of their whole Proceeding & lay the same before the whole Court, & that the Officer & Men be entitled to the like Pay for their Encouragem<sup>t</sup> They finding their own Subsistence.

And that His Honour the Lieuten<sup>t</sup> Governor be desired to enlist ten good able bodied effective Men, & put them under the Conduct of a skilful Surveyour to range the Woods in the Eastward Parts; That is to say, Beginning at Quambegan in Newitchawonock River, & run & measure up the said River to the utmost Head thereof, & from thence North West until One hundred & three miles be compleat from Quambegan, Marking as they go, from thence to run, view, & keep an Account

<sup>1</sup> *Sic.*

of all Ponds Hills, Rivers & remarkable Places North easterly till they intersect & come to Connecticut River, & to return down to Richmond; And for the Encouragement of this hard & difficult March & Survey the said Officers be entitled to Ten shillings per Diem & the Men to eight shillings per Diem each, they subsisting them selves; Provided always the said Officers lay before this Court an Account of their Proceedings on Oath in Order to this Courts passing thereon. [*Passed January 22.*]

## CHAPTER 129.

## ORDER IMPOWERING THO. COOCHUCK TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xiv.,  
16.

House Jour-  
nal, p. 97.

A PETITION of Thomas<sup>1</sup> Coochuck of Natick Indian Planter Administ<sup>r</sup> of the Estate of Thomas Waban late of said Natick Dec<sup>d</sup> Intestate Shewing that the said Wabans Debts are considerably more than his Personal Estate; And therefore Praying for Licence from this Court for selling so much of the said Wabans Lands as will discharge his just Debts.

Read &

*Ordered* that the Justices of the Superior Court of Judicature be directed at the next Court, to be held in the County of Middlesex to authorize & empower the Peti[ti]oner to make Sale of so much of the real Estate of Cpt. Thomas Waban of Natick Dec<sup>d</sup> as they shall judge necessary for discharging the Deceaseds Debts, Agreeable to the Law of this Province respecting Administ<sup>r</sup> &c. [*Passed January 22.*]

## CHAPTER 130.

## ORDER OF NOTICE REFERRING COREYS &amp; BILLINGS PETITION TO THE NEXT MAY SESSION.

Legislative  
Records of the  
Council, xiv.,  
16.

House Jour-  
nal, p. 97.  
*Ante*, p. 47,  
chap. 116.

A PETITION of John Corey & Samuel Billing, Shewing that they advanced a Sum of Money to Benjamin Bate Son & Administ<sup>r</sup> to Benjamin Bate late of Dorchester Dec<sup>d</sup> Intestate for paying off the Deceaseds Debts, & that they took a Mortgage of the Deceaseds Lands, the said Administ<sup>r</sup> being empowered by the Superior Court to sell Lands for paying the Debts due on the said Estate. That afterwards the Letters of Administration to the said Benjamin Bate were revoked, & Administration granted to Stephen Boutineau, & their Title to the said Land condemned upon a Trial before the Sup<sup>r</sup> Court which the said Boutineau obtained by a Special Order of this Court after the Matter had pass'd through the whole Course of the Law, & that they are denied to be admitted as Creditors, And therefore Praying for an Order of this Court that they may be admitted as Creditors to the said Estate, & have their rateable Part thereof.

Read &

*Ordered* that the Petitioners serve Stephen Boutineau with a Copy of this Petition, that so he give in his Answer upon the first Fryday of the next May Session. [*Passed January 23.*]

<sup>1</sup> The House Journal reads, "Nathaniel."

## CHAPTER 131.

RESOLVE ALLOWING £50 TO CPT. JOS. KELLOG AND A FURTHER SUM OF £100 FOR EQUIPPING HIS SUITE.

*Resolved* that the sum of Fifty Pounds be allowed & paid out of the publick Treasury to Cpt. Joseph Kellog to enable him handsomly to equip himself to appear at Canada on the Errand this Court have voted in their present Session; And that the further sum of One hundred Pounds be allowed & paid out of the publick Treasury to the said Cpt Joseph Kellog, to be by him disposed of in the best manner for the Cloathing & necessary Provisions of the Men that are to attend him to Canada on the said Errand; Which last sum the said Kellog & Men are to be accountable for out of their Wages at their Return back.<sup>1</sup> [*Passed January 23.*]

Legislative  
Records of the  
Council, xiv.,  
17.

*Ante*, p. 271,  
chap. 128.

## CHAPTER 132.

RESOLVE ACCEPTING THE ACC<sup>TS</sup> OF THE COMMISS<sup>RS</sup> OF THE £100,000 LOAN FOR THE CO. OF SUFFOLK.

FOUR ACCOMPTS of the Commissioners of the £100,000 Loan for the County of Suffolk beginning Feby. 13. 172<sup>2</sup>/<sub>3</sub> & ending Feby. 13. 172<sup>6</sup>/<sub>7</sub>.

Legislative  
Records of the  
Council, xiv.,  
17.

It appearing by the said Accompts that the Commissioners have received of sundry Persons for Interest of the said Loan the said Years the sum of £4,609. 12. 6 & paid into the Treasury the sum of £4,340. 11. 3 & account for the remaining sum of £269. 11. 3 as follows; viz, £244. 6. 6 their Due by Law, £20 for Book Keeping, And also outstanding £823. 7. 9 Interest Money; By the same Accompt it appears that there was outstanding of the Interest of the former years the sum of £420. 9. 2 and also £4. 4. 9 for Law Suits in their former Accompts not accounted for, Which three sums last mentioned Amounting to the sum of £1,248. 1. 7 the said Commissioners are still accountable for, The sum of £7,302. 7. 9 of the Principal sum being in their Hands not let out.

House Jour-  
nal, pp. 83, 98.  
Province  
Laws, ii., 61,  
chap. 18.

[Read and Accepted and]

*Resolved* that the Commissioners the Accomptants upon their paying to, or properly accounting with the Treasurer of the Province for the said sum of Twelve hundred & forty eight Pounds one shilling & seven pence be & hereby are so far discharged of the said Accompt in the several Articles thereof. [*Passed January 23.*]

## CHAPTER 133.

RESOLVE ALLOWING £140. 10. 6 TO REB. HOLMES.

AN ACCOMPT presented by Rebecca Holmes of the Expences of Committees of the General Court at her House in the last October Session & this present Session, Amounting to the sum of £140. 10. 6.

[Read and]

*Resolved* that the sum of One hundred & forty Pounds ten shil-

Legislative  
Records of the  
Council, xiv.,  
18.

House Jour-  
nal, p. 96.

<sup>1</sup> Not found in the House Journal.

lings & six pence be allowed & paid out of the publick Treasury to the Accomptant Rebecca Holmes in full discharge thereof. [*Passed January 24.*]

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## CHAPTER 134.

VOTE GRANTING 12 MONTHS TIME TO SAMUEL PARTRIDGE ESQ TO SURVEY A PLAT OF 500 ACRES OF LAND.

Legislative  
Records of the  
Council, xiv.,  
19.

House Jour-  
nal, p. 82.  
Province  
Laws, x., 678,  
chap. 284.

A PLAT of Five hundred Acres of Land laid out to Samuel Patridge Esq<sup>r</sup> of Hatfield, by vertue of a Grant made to him by the Great & General Court in Novem<sup>r</sup> 1725, Beginning at the East Bank of Connecticut River on the North Line of Northfield Township at the South West Corner of this Tract & running from thence as therein particularly described.

Read &

*Voted* that twelve months time more be allowed to Samuel Patridge Esq<sup>r</sup> to survey the like Quantity of Province Land, And the said Coll. Patridge is desired to have the Land laid out in a more regular Form & compact when he returns the next Plan for Acceptance & Confirmation. [*Passed January 24.*]

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## CHAPTER 135.

ORDER IMPOWERING ELIS<sup>a</sup> ELLIS EXECUTRIX TO SELL A HOUSE AND LAND.

Legislative  
Records of the  
Council, xiv.,  
19.

House Jour-  
nal, p. 99.

A PETITION of Elisabeth Ellis Widow & one of the Executors of the last Will & Testament of D<sup>r</sup> Robert Ellis Dec<sup>d</sup> Setting forth that the said Robert Ellis by his last Will Approved & Allowed, among other things ordered that his Executors; viz, M<sup>r</sup> James Pemberton & the Petitioner be empowered, in case they should find it necessary for the support of his Wife & the Education of his youngest Children, to sell any part or all of his Real Estate; that she has been necessitated to expend divers sums of Money in the Maintenance & Education of her youngest Children, for which she has been obliged to mortgage a House & Land in the South Part of Boston, which she can sell for good advantage, That althô the other Executor is sensible of the Necessity of selling the said House & Land & consent thereunto, yet he is unwilling to sign any Deed for the same, lest he should thereby involve his own Estate; Praying that she may be empowered to execute a Deed or Deeds for the said House & Land alone & that the same may be held good & valid in the Law.

Read &

*Ordered* that the Prayer of the Petition be granted, & the Petitioner is hereby allowed & empowered in her said Capacity to make Sale of the mortgaged Premisses within mentioned, Provided she give Security to the Judge of Probate for the County of Suffolk to dispose of the Proceeds thereof to & for the Uses only in the said Will mentioned & according to Law. [*Passed January 24.*]

## CHAPTER 136.

ORDER OF NOTICE ON PETITION OF JOS<sup>A</sup> COOK & OTHERS OF  
BELLINGHAM.

A PETITION of Josiah Cook, Joseph Scott, Jacob Bartlet & David Cook all of Bellingham, Setting forth that they are arrested by the Constable of the said Town for Rates assessed on them for the Maintenance of the Minister there, which they cannot pay without acting against their Consciences, that they are now committed to the Goal in Boston Praying that they be discharged from Prison.

Read &

*Ordered* that the Petitioners serve the Assessors of the Town of Bellingham with a Copy of this Petition, that so they may give Answer thereto on the first Tuesday of the next May Session, & that in the mean time the Petitioners be set at Liberty, Provided they recognize before one of his Majestys Justices of the Peace to appear at that time, & abide the Order of this Court on that Affair. [*Passed January 24.*]

Legislative  
Records of the  
Council, xiv.,  
20.

House Jour-  
nal, pp. 76, 99.

## CHAPTER 137.

## RESOLVE ALLOWING £72. 1. 5 TO ROW. DYKE.

AN ACCOUNT presented by Rowland Dyke, of the Expence of the four Indian Messengers for their Diet, Entertainment &c, at his House Amounting to the sum of £83. 9. 5.

Read & Accepted and

*Resolved* That the sum of seventy Two pounds one shilling and Five pence be allowed and paid out of the publick Treasury to the Accomptant Rowland Dike in full discharge thereof. [*Passed January 24.*]

Legislative  
Records of the  
Council, xiv.,  
20. Mass.  
Archives,  
xxxI., 162.

Mass.  
Archives,  
xxxI., 161, 163.  
House Jour-  
nal, p. 98.

## CHAPTER 138.

RESOLVE ON PETITION OF DIVERS INHABITANTS OF Y<sup>E</sup> NORTH PRE-  
CINCT IN LYN ADVISING A COUNCIL OF CHURCHES.

A PETITION of Benjamin Gowen & Benjamin Chaplain & sundry others of the North Precinct in Lyn, Setting forth the unhappy and distressed Circumstances they are under by reason of the Differences & Contentions among them, & that they are desirous that a Council of Churches should be called in order to accomodate their Differences, but their Minister the Rev<sup>d</sup> M<sup>r</sup> Sparhawk & others that adhere to him have opposed it, Praying the Authority of this Court for calling such a Council;

Together with a Memorial of divers Ministers of Boston, Recommending the same to this Court.

Read & In answer to this Petition, & also the Representation of several of the Ministers of the Gospel in Boston on the same Subject;

*Resolved* that it will be greatly for the Interest of Religion in the Precinct to which the Petitioners belong, & of absolute Necessity for the Peace of the Church & People there That there should be convened as soon as may be an Ecclesiastical Council of Churches, to be mutually

Legislative  
Records of the  
Council, xiv.,  
20.

House Jour-  
nal, p. 100.

chosen by by<sup>1</sup> the contending Parties in Order to hear & determine the Complaint of the Aggrieved; And this Court do accordingly Advise to such a Council, Agreeable to the Practice of the Churches in New England in such Cases. [*Passed January 24.*]

## CHAPTER 139.

Legislative  
Records of the  
Council, xiv.,  
21.

ORDER REFERRING JON<sup>A</sup> DRAPERS PETITION TO THE NEXT MAY SESSION.

Legislative  
Records of the  
Council, xiii.,  
461. House  
Journal, p. 101.  
*Ante*, p. 143,  
chap. 24.

A PETITION of Jonathan Draper of Roxbury, Praying that the House would reconsider their Vote on a Petition of the Inhabitants of Bellingham respecting the Line between the said Town & Wrentham

Read &

*Ordered* that the further Consideration of this Petition be refer'd to the next May Session of this Court. [*Passed January 25.*]

## CHAPTER 140.

Legislative  
Records of the  
Council, xiv.,  
21.

VOTE REFERRING TO THE COMMITTEE OF HOUSATANUCK.

House Jour-  
nal, p. 98.  
*Ante*, p. 12,  
chap. 17.

*Voted* that the Committee appointed by this Court to bring forward the Settlement of the two new Towns at Housatanuck be directed to lay before the Court at the next May Session an Account of all their Proceedings respecting that Matter. [*Passed January 26.*]

## CHAPTER 141.

RESOLVE ACCEPTING THE ACC<sup>T</sup>S OF THE COMMISS<sup>ES</sup> OF THE £100,000 LOAN FOR THE CO. OF ESSEX.

Legislative  
Records of the  
Council, xiv.,  
22.

SEVEN ACCOMPTS of the Commissioners of the £100,000 Loan for the County of Essex, from 13<sup>th</sup> of Febr'y. 1719, 20, to the 13<sup>th</sup> of Febr'y. 1726<sup>6</sup>/<sub>7</sub>.

House Jour-  
nal, pp. 83, 84.  
Province  
Laws, ii., 61,  
chap. 18; x., 55,  
chap. 122.  
*Ante*, p. 273,  
chap. 132.  
*Infra*, chap.  
142.

It appearing by the said Accompts that the said Commissioners have received of sundry Persons for Interest of the said Loan the said seven years the sum of £6.829. 19. 6 and have paid into the Treasury £6,125. 7. 9 and Accompt for the remaining sum as follows; viz, £266. 9. 7 their Due by Law, £71. 6 for Book keeping & Paper, £325. 18. 3 for Charges of Law Suits, £40. 17. 11 for Tavern Expences. the sum of £1,703. 2. 6 Outstanding Interest Money & the sum of £11,029. 2. 9 of the Principal Money being in their Hands & not let out, & the sum of £62. 10. 7 they were ordered to pay into the Treasury the 9<sup>th</sup> of Decem<sup>r</sup> 1720, still remains in their Hands; They are forthwith to pay in the said £62. 10. 7 together with the above said sum of £40. 17. 11 making in the whole the sum of £103. 8. 6 being Charges for Tavern Expences; And the said Commissioners are still accountable for the said sum of £325. 18. 3 with £40. 10. 6 Amounting to £366. 18. 9 Charges of Law Suits & the sum of £1,703. 2. 5 Outstanding Interest Money, making in the Whole the sum of £2,069. 11. 2.



[Read and Accepted and]

*Resolved* that upon the said Commissioners the Accomptants their Paying to or properly Accounting with the Treasurer of the Province for the sum of Two thousand & sixty nine Pounds eleven shillings & two pence the said Commissioners the Accomptants be & they hereby are so far discharged of the said seven Accompts in the several Articles thereof. [*Passed January 26.*]

## CHAPTER 142.

RESOLVE ACCEPTING THE ACCT<sup>TS</sup> OF THE COMMISS<sup>RS</sup> OF THE £100,000  
LOAN FOR THE CO. OF MIDDLESEX.

Two Accompts of the Commissioners of the £100,000 Loan for the County of Middlesex, beginning Feby. 13. 172<sup>4</sup>/<sub>5</sub>. & ending Feby. 13. 172<sup>6</sup>/<sub>7</sub>.

Legislative  
Records of the  
Council, xiv.,  
22.

It appearing by the said Accompts that the said Commissioners had received of sundry Persons for Interest of the said Loan the said two Years the sum of £1,618. 7. 3 & £21. 17. 2 the Charges of Law Suits making £1,640. 4. 5 & have paid into the Treasury the sum of £1,521. 3 and account for the remaining sum of £119. 1. 5 as follows; viz, £73. 1. 10 their due by Law, £14 for Book Keeping £26. 17 for Charges of Law Suits, £5. 12. 7 the said Commissioners charge for extraordinary Attendance &c, of which 10/ 7 is for Paper & a Lock being the only reasonable Charge, so that the remaining £5. 2 the said Commissioners remained accountable for in their last Accompt pass'd in May 1726; £97. 13. 8 the Ballance of what they expended in Law Suits with the above £26. 17 charged in this last Accompt, makes £124. 0. 8 & have discharged them selves in these Accounts of £21. 17. 2 So that there being still remaining to be accounted for £102. 3. 6 arising by Law Suits, & the said £5. 2 as also the sum of £982. 17. 3 Outstanding Interest Money, amounting to the sum of £1,090. 2. 9 In the whole; the sum of £4,117. 18. 10 of the Principal Money being in their Hands & not let out;

House Jour-  
nal, p. 84.  
*Ante*, p. 41,  
chap. 102.  
*Supra*, chap.  
141. *Infra*,  
chap. 143.

[Read and Accepted and]

*Resolved* that upon the Commissioners the Accomptants their paying to or properly accounting with the Treasurer of the Province for the said sum of One thousand & ninety Pounds two shillings & nine pence, the said Commissioners be & hereby are so far discharged of the said two Accompts in the several Articles thereof. [*Passed January 26.*]

## CHAPTER 143.

RESOLVE ACCEPTING THE ACCT<sup>TS</sup> OF THE COMMISS<sup>RS</sup> OF THE £100,000  
LOAN FOR THE CO. OF HAMPSHIRE.

Two Accompts of the Commissioners of the £100,000 Loan for the County of Hampshire, beginning Feby. 13. 172<sup>4</sup>/<sub>5</sub>. & ending Feby. 13. 172<sup>6</sup>/<sub>7</sub>.

Legislative  
Records of the  
Council, xiv.,  
23.

It appearing by the said Accompts that the said Commissioners had received of sundry Persons for Interest of the said Loan the said two years, £517. 5. 4 together with the sum of £770. 2. 1 remaining in their hands for Interest Money, which they were ordered by the General Court at their Session in May 1725, forthwith to pay into the Treas-

House Jour-  
nal, p. 84.  
Province  
Laws, x., 400,  
chap. 347; p.  
623, chap. 121.  
*Supra*, chap.  
142. *Infra*,  
chap. 144.

ury making in the whole £1,284. 8. 5, that they have since paid into the Treasury £938 & account for the remaining sum as follows, viz, £20. 9. 3 their Due by Law & £8 for Book keeping, There still remains in their hands £317. 18. 2 due from them for Interest Money & they were also & yet are further accountable for the sum of £27. 10. 9 Interest Money & £13. 5 for putting in Suit as by their Accompt pass'd the 10<sup>th</sup> of December 1723, The sum of £151. 7 of the principal Money being in their Hands & not let out;

[Read and Accepted and]

*Resolved* that upon the Commissioners the Accomptants their Paying to or properly accounting with the Treasurer of the Province for the three last Articles, Amounting to the sum of Three hundred & fifty eight Pounds thirteen shillings & eleven pence, the said Commissioners be & hereby are so far discharged of these two Accompts in the several Articles thereof. [*Passed January 26.*]

## CHAPTER 144.

RESOLVE ACCEPTING THE ACC<sup>T</sup> OF THE COMMISS<sup>RS</sup> OF THE £100,000 LOAN FOR THE CO. OF BARNSTABLE.

Legislative  
Records of the  
Council, xlv.,  
28.

House Jour-  
nal, p. 85.  
*Ante*, p. 46,  
chap. 113.  
*Supra*, chap.  
143. *Infra*,  
chap. 145.

AN ACCOMPT of the Commissioners of the £100,000 Loan for the County of Barnstable, beginning the 13<sup>th</sup> of Feby. 1721<sup>1</sup>/<sub>5</sub>, & ending Feby. 13. 1725<sup>5</sup>/<sub>6</sub>.

It appearing by the said Accompt that the said Commissioners have charged themselves with £22. 8. 6 remaining of Interest Money in their hands in their last Accompt, presented to and allowed by the General Court at their Session in May 1726, & that they have received of sundry Persons for Interest of the said Loan the said year the sum of £301. 19. 9 together with the above £22. 8. 6 that was remaining in their Hands of the last Accompt, Which makes the sum of £324. 8. 3 & have paid into the Treasury the sum of £294. 13. 5 & account for the remaining £29. 14. 10 as follows; viz, £16. 19. 10 their Due by Law £8 for Book Keeping, & £4. 15 remaining in their hands, which they are to pay the Treasurer for, the sum of £30. 1 of the Interest outstanding which the said Commissioners are still accountable for; the sum of £335. 4. 10 of the Principal Money being in their Hands & not let out;

[Read and Accepted and]

*Resolved* that upon the Commissioners the Accomptants paying to or properly accounting with the Treasurer of the Province for the sum of Thirty four Pounds sixteen shillings, they be & hereby are so far discharged of the said Accompt in the several Articles thereof. [*Passed January 26.*]

## CHAPTER 145.

RESOLVE ACCEPTING THE ACC<sup>TS</sup> OF THE COMMISS<sup>RS</sup> OF THE £100,000 LOAN FOR THE CO. OF PLIMOUTH.

Legislative  
Records of the  
Council, xiv.,  
24.

House Jour-  
nal, pp. 84, 85.  
*Supra*, chap.  
144.

TWO ACCOMPTS of the Commissioners of the £100,000 Loan for the County of Plymouth, beginning Feby. 13. 1721<sup>1</sup>/<sub>5</sub>, & ending Feby. 13. 1725<sup>5</sup>/<sub>6</sub>.

It appearing that the said Commission<sup>rs</sup> have received of sundry Persons for Interest of the said Loan the said two years the sum of £401. 4. 5 & have paid into the Treasury the sum of £361. 15. 1 and account

for the remaining sum of £39. 9. 4 as follows; viz, £23. 9. 4 their Due by Law £16 for Book Keeping; & £411. 11. 7 outstanding Interest Money, which they are still accountable for, & the sum of £798. 9. 10 of the Principal Money being in their Hands & not let out;

[Read and Accepted and]

*Resolved* that upon the Commissioners the Accomptants paying to or properly accounting with the Treasurer of the Province for the sum of Four hundred & eleven Pounds seventeen shillings & seven pence the said Commissioners be & hereby are so far discharged of the s<sup>d</sup> two Accompts in the several Articles thereof. [*Passed January 26.*]

## CHAPTER 146.

### VOTE APPOINTING A COMMITTEE TO PROVIDE FOR THE RECEPTION OF GOV<sup>R</sup> BURNET.

In the House of Represent<sup>ves</sup>

*Voted* that William Dudley, Elisha Cook Esq<sup>rs</sup> M<sup>r</sup> Lewis, M<sup>r</sup> Cushing & M<sup>r</sup> Welles with such as the Hon<sup>ble</sup> Board shall appoint be [a] Committee to provide for the handsom Reception of his Excellency Govern<sup>r</sup> Burnet, when he shall arrive here: In Council; Read & Concur'd, And William Tailer Nathaniel Byfield, Addington Davenport & Thomas Fitch Esq<sup>rs</sup> are joined in the Affair. [*Passed January 26.*]

Legislative  
Records of the  
Council, xiv.,  
24.

House Jour-  
nal, p. 102.  
*Ante*, p. 258,  
chap. 94.

## CHAPTER 147.

### RESOLVE ALLOWING £16 TO THE COMMITTEE FOR EXAMINING THE ACCT OF THE £100,000 LOAN.

A MEMORIAL of M<sup>r</sup> Ezekiel Lewis, & John Wainwright, Jeremiah Allen & Henry Phillips Esq<sup>rs</sup> Shewing that in the Year 1723, they were appointed a Committee for examining the Accompts of the Commissioners of the £100,000 Loan, & that they have attended that Service ever since, & that they have been at much Pains therein; Praying that this Court will make some proper Allowance for their Service therein.

Read and in Answer to this Memorial

*Resolved* That the Sum of Sixteen pounds be Allowed and paid out of the publick Treasury to M<sup>r</sup> Ezekiel Lewis to be by him repaid to the said Committee to whom it is due agreeable to their respective Services. [*Passed January 26.*]

Legislative  
Records of the  
Council, xiv.,  
24. Mass.  
Archives, ci.,  
497.

Mass.  
Archives, ci.,  
498. House  
Journal, p. 36  
(June, 1723);  
p. 102.

## CHAPTER 148.

### RESOLVE IMPOWERING CAP<sup>t</sup> JAMES GRANT TO BUILD A TRUCK HOUSE ON SAGO RIVER.

*Resolved* That Cap<sup>t</sup> James Grant be directed and impowred to Erect and finish the Truck House this Court have Voted to be built on sago River in their present session in the place agreed on and According to the Dimensions in the plann annexed to the said Vote, And the better to enable the said Grant to go on with the said Work that the Sum of

Legislative  
Records of the  
Council, xiv.,  
25. Mass.  
Archives,  
cxix., 316.  
House Jour.

nal, p. 102.  
*Ante*, p. 238,  
 chap. 47.

One Hundred and Fifty pounds be Advanced and paid out of the publick Treasury to him for which he is to be Accountable, and that he lay an Accompt of the Cost & Charge of Erecting the said Truck House before this Court for Allowance. [*Passed January 26.*]

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## CHAPTER 149.

RESOLVE ALLOWING £3. 8 TO BENJ<sup>A</sup> ROLFE.

Legislative  
 Records of the  
 Council, xiv.,  
 25.

AN ACCOMPT presented by Benjamin Rolfe of Writing done for the Publick since his last Accompt, Amounting to the sum of £3. 8. 7.

[Read and]

House Jour-  
 nal, p. 102.  
*Ante*, p. 270,  
 chap. 125.

*Resolved* that the sum of Three Pounds eight shillings<sup>1</sup> be allowed & paid out of the publick Treasury to the Accomptant Benjamin Rolfe in full discharge thereof. [*Passed January 26.*]

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## CHAPTER 150.

RESOLVE ALLOWING £11 TO D<sup>R</sup> PET. CALIFF.

Legislative  
 Records of the  
 Council, xiv.,  
 26.

AN ACCOMPT presented by Peter Califf, Apothecary, of sundry Medicines taken up by D<sup>r</sup> Henry Blaisdel for the publick Service in the Year 1725, Amounting to the sum of £12. 2. 3.

[Read and]

House Jour-  
 nal, p. 81.

*Resolved* that the sum of Eleven Pounds be allowed & paid out of the publick Treasury to the Accomptant D<sup>r</sup> Peter Califf in full discharge thereof. [*Passed January 29.*]

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## CHAPTER 151.

RESOLVE ALLOWING £9. 12. 6 TO REB. HOLMES.

Legislative  
 Records of the  
 Council, xiv.,  
 32.

AN ACCOMPT presented by Rebecca Holmes of entertaining the Committees of the Court, together with a sum cut off from her Accompt of entertaining the Lieuten<sup>t</sup> Governor &c, on the Day the King was proclaimed, Amounting in the whole to £9. 12. 6.

[Read and]

Legislative  
 Records of the  
 Council, xiii.,  
 400. House  
 Journal, p. 103.

*Resolved* that the sum of Nine Pounds twelve shillings & six pence be allowed & paid out of the publick Treasury to the Accomptant Rebecca Holmes in full discharge thereof. [*Passed January 30.*]

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## CHAPTER 152.

VOTE ALLOWING CPT. JER. MOULTON 12 MONTHS IN WHICH TO LAY OUT 100 ACRES LAND.

Legislative  
 Records of the  
 Council, xiv.,  
 32.

UPON A MOTION made at the Instance of Cpt. Jeremiah Moulton, & seconded by many of the Members, That the Time limited for the laying out the Hundred Acres of Land granted him the 28<sup>th</sup> of Novem<sup>r</sup>

<sup>1</sup> The House Journal reads, £3. 8. 6.

1726, may be protracted for one year, He not as yet having found a convenient Spot to lay out the said Grant in;

*Voted* that twelve Months more be allowed to the said Cpt. Jeremiah Moulton to lay out the said One hundred Acres of Land in the County of York Agreeable to the former Order, the Time therein limited notwithstanding. [*Passed January 30.*]

House Journal, p. 108.  
*Ante*, p. 70,  
chap. 183.

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## CHAPTER 153.

### RESOLVE ALLOWING £17. 13 TO EDW<sup>d</sup> WINSLOW ESQ<sup>r</sup>.

AN ACCOMPT presented by Edward Winslow Esq<sup>r</sup> of sending Proclamations, Writs for Calling a General Assembly, together with the Treasurers Warrants into the other Counties, Amounting to the sum of £33. 13.

Legislative  
Records of the  
Council, xiv.,  
32.

House Journal, p. 43.

[Read and]

*Resolved* that the sum of Seventeen Pounds thirteen shillings be allowed & paid out of the publick Treasury to the Accomptant Edward Winslow Esq<sup>r</sup> in full discharge thereof. [*Passed January 30.*]

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## CHAPTER 154.

### VOTE ALLOWING £40 TO CPT. JOS. KELLOG.

A MEMORIAL of Cpt. Joseph Kellog, Setting forth that whereas he is appointed by his Honour the Lieuten<sup>t</sup> Governor to proceed to Canada on the Message of this Governm<sup>t</sup> & he is informed he is to have Letters of Credit for his Supply upon his Arrival at Quebeck & Mont Real he will have occasion for Money to defray his Charges till he can have the benefit of his Letters of Credit, And therefore Praying that such sum may be allowed to him as is necessary for purchasing Gold for that Service.

Legislative  
Records of the  
Council, xiv.,  
33. Mass.  
Archives,  
xvii., 36.

Mass.  
Archives,  
xvii., 35.  
*Ante*, p. 273,  
chap. 131.

Read &

*Resolved* That the sum of Forty pounds be allowed and paid out of the publick Treasury to the Memorialist Joseph Kellogg to Enable him to purchase proper Coin in order for his paying for subsistence for himself and Men before his Letters of Credit take place the said Kellogg to be Accountable for said sum.<sup>1</sup> [*Passed January 30.*]

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## CHAPTER 155.

### VOTE APPOINTING A COMMITTEE ON THE PETITIONS OF JOS<sup>a</sup> WILLARD & THO. HARE &c OF TURKEY HILLS.

A PETITION of Josiah Willard, Edward Hartwell & Benjamin Goodrich in behalf of them selves & a considerable Number of the Inhabitants of the South Town in Turkey Hills, Praying that this Court would appoint a Committee to state a Place for erecting a Meeting house there, as also the Dimensions necessary for the said Meeting house, And

Legislative  
Records of the  
Council, xiv.,  
33.

House Journal, p. 87.  
*Ante*, p. 267,  
chap. 120.

A Petition of Thomas Hare,<sup>2</sup> John Calif, & divers others Inhabitants

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> "*Hale*," in the House Journal.

also of the said South Town in Turkey Hills, Praying that the Meeting house there may be set in the Place ordered by the Committee for the said Town, & that their Acts referring to the same may be confirmed.

In the House of Represent<sup>ves</sup> Read & In answer to these two Petitions, *Voted* that Cpt. Edward Goddard & Cpt. Henry Rolfe with such as shall be appointed by the Hon<sup>ble</sup> Board be a Committee to repair to the South Town in Turkey Hills, & view the Situation thereof & consider the Circumstances of the Inhabitants & make Report of a suitable Place for erecting a Meeting house & the Dimensions thereof, And that in the mean time the Inhabitants do not raise the House.

In Council; Read & Concur'd; And John Chandler Esq<sup>r</sup> is joined in the Affair. [*Passed January 30.*<sup>1</sup>]

## CHAPTER 156.

### VOTE ABOUT THE GRANT TO M<sup>R</sup> JOHN COLLINS.

Legislative  
Records of the  
Council, xiv.,  
34.

*Ante*, p. 110,  
chap. 289.

WHEREAS the General Court of the late Colony of the Massachusetts Bay Anno 1683, granted to the Rev<sup>d</sup> M<sup>r</sup> John Collins of London Five hundred Acres of Land, which was laid out near a Place called Quine-tusset, And afterwards; viz June 30. 1705. On the Petition of M<sup>r</sup> Francis Collins Son of the said M<sup>r</sup> John Collins the former Survey not being to be found, the Court ordered a new Survey of Five hundred Acres in Lieu of the first Grant, which accordingly was made, & a Plat presented & confirmed Anno 1707; And upon settling the Colony Line between the Massachusetts & Connecticut the first Survey & Grant falling on the South side of the said Line; & for which an Equivalent has been allowed the said Colony of Connecticut; And the said Five hundred Acres of Right belonging to this Province;

*Voted* that William Dudley Esq<sup>r</sup> Major John Chandler & M<sup>r</sup> Edward Shove (any two of whom to be a Quorum) be a Committee.<sup>2</sup> & they are hereby authorized & impowered to apply to the Govern<sup>mt</sup> of Connecticut for any further or other Confirmation of the said Lands & inquire into the Nature & Value of the same, & make Report of their Doings herein to this Court at their next May Session.<sup>3</sup> [*Passed February 14.*]

## CHAPTER 157.

### ORDER IMPOWERING SAM<sup>L</sup> GARDNER TO FILE A COMPLAINT.

Legislative  
Records of the  
Council, xiv.,  
34.

House Jour-  
nal, p. 111.

A PETITION of Samuel Gardner of Boston Taylour, Shewing that at the Inferior Court held at Boston for the County of Suffolk in April last, he recovered Judgment against John Savil of Boston afore said for the sum of £20. 19 Damage & Cost. From which Judgment the said Savil appealed to the then next Superior Court but neglected to prosecute his Appeal, that the Petitioner by reason of his Ignorance in the Law omitted to file his Complaint, Praying that he may be allowed to file the same at the next Superior Court of Judicature for the County of Suffolk, & that the Judges may make up Judgment accordingly.

Read &

*Ordered* that the Prayer of the Petition be granted, & the Petitioner

<sup>1</sup> Adjourned to February 14. See Legislative Records of the Council, xiv., 33.

<sup>2</sup> The committee appointed in 1726–27, p. 110, chap. 289, apparently made no report; hence probably the present action.

<sup>3</sup> Not found in the House Journal.

is accordingly impowered to file his Complaint at the Superior Court of Judicature for the County of Suffolk now sitting at Boston, & the Justices of the said Court are authorized & directed to make up Judgment thereon; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed February 14.*]

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## CHAPTER 158.

ORDER REFERRING THE QUESTION OF THE BOUNDARY OF THE PROVINCE OF MAYN TO THE NEXT MAY SESSION.

Legislative  
Records of the  
Council, xiv.,  
35.

*Ordered* that the Affair of running the Line on the Boundary of the Province of Mayn be refer'd to the next May Session.<sup>1</sup> [*Passed February 15.*]

Legislative  
Records of the  
Council, xiv.,  
35. *Ante*, p. 271,  
chap. 128.

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## CHAPTER 159.

ORDER IMPOWERING THE TRUSTEES FOR THE HASSANIMISCO INDIANS TO PAY INTEREST AND ADVANCE MONEY FOR THE SUPPORT OF INDIAN PROPRIETORS.

A MEMORIAL of Spencer Phips Esq<sup>r</sup> Cpt. Edward Goddard & Cpt. Ephraim Curtis, Setting forth divers Difficulties they are under in their Business as Trustees for the Indian Proprietors of Hassanimisco for want of further Power, Praying the Direction of this Court.

Legislative  
Records of the  
Council, xiv.,  
40.

Read & In Answer to this Memorial,

*Ordered* that the Memorialists be & hereby are impowered to pay any part of the Interest Money that the Purchasers of the Hassanimisco Lands may be willing to advance for the necessary Relief & Support of such of Indian Proprietors as are indigent & necessitous & unable to provide for them selves; And in case any of the forty Petitioners by Death or otherwise should fail of executing the Bonds for performing the Conditions of their Purchase of the the<sup>2</sup> said Lands, that then & in such Case the Committee shall with the Consent of the Petitioners admit some other Persons in their room whom they shall judge proper, to undertake the said Settlement; And the said Persons so to be admitted shall each of them pay a fortieth Part of the Charges, which the Petitioners have expended in the Affair, w<sup>ch</sup> shall be repaid to the Persons who have advanced the same, in whose room they are admitted or the legal Representatives of such as are deceased. [*Passed February 16.*]

Mass.  
Archives,  
cxlii., 749.  
House Jour-  
nal, p. 116.  
*Ante*, p. 233,  
chap. 36.

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## CHAPTER 160.

ORDER ON THE PETITION OF THE WIDOW & HEIRS OF JN<sup>o</sup> CHARNOCK DEC<sup>o</sup>.

A PETITION of Theophilus Burrill & Hannah his Wife late Widow of Cpt. John Charnock Dec<sup>d</sup> (as she is Guardian to William Charnock, a Minor, one of the Sons of the said John Charnock,) John Charnock the eldest Son, Samuel Greenwood & Mary his Wife, & Thomas Lee Jun<sup>r</sup> & Elisabeth his Wife, which Mary & Elisabeth were Daughters of the Deceased, Shewing that the said John Charnock died seized of Lands at Rutland & Dunstable in the County of Middlesex as well as

Legislative  
Records of the  
Council, xiv.,  
41.

House Jour-  
nal, p. 312.

<sup>1</sup> Not found in the House Journal.

<sup>2</sup> *Sic.*

in Boston in the County of Suffolk Praying that the Freeholders appointed according to Law to make a Division of the Real Estate in the County of Suffolk may be empowered to make a Division of the Lands in Middlesex also.

Read &

*Ordered* that the Prayer of the Petition be granted, & the Freeholders which are ordered appointed according to Law in the County of Suffolk are hereby empowered & directed to proceed accordingly; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed February 16.*]

## CHAPTER 161.

### ORDER APPOINTING A COMMITTEE ON THE TAUNTON SELECTMENS PETITION.

Legislative  
Records of the  
Council, xiv.,  
41. Mass.  
Archives,  
cxiii., 752.

Mass.  
Archives,  
cxiii., 751, 753.  
House Jour-  
nal, pp. 117, 118.  
*Ante*, p. 257,  
chap. 92.

A PETITION of the Select men of the Town of Taunton, Setting forth the distressed State of the said Town by the Designs of a great Number of People to obtain a Division of the said Town into three Precincts, which will be ruinous to the whole Place, And therefore Praying the Court to reconsider their Votes on two Petitions for new Precincts in Taunton pass'd this Session and that they would dismiss the said Petition.

In Council,

Read & The Board taking into Consideration the distress'd State of the Town of Taunton as appears by this & the other Petitions from the said Town preferred to this Court at their present Session, And Apprehending it necessary to apply some speedy Method for their Relief;

*Ordered* that Nath<sup>l</sup> Byfield, John Cushing and Samuel Thaxter Esq<sup>rs</sup> with such as the Hon<sup>ble</sup> House of Representative[s] shall appoint be a Comm<sup>tee</sup> to repair to the Town of Taunton. That they carefully view the Scituation & Circumstances of the Inhabitants in the several Parts thereof, And that they report to this Court in their next May Session their Opinion of what may be proper for the Court to do in Answer to two Petitions presented at this Session for separate Precincts in the s<sup>d</sup> Town; The former Order of this Court on the said Petitions Notwithstanding; The Charge of the Committee to be born as this Court shall Order

And the said Petitioners for separate Precincts in the said Town of Taunton are required at their Peril not to proceed in Cutting or drawing of Timber or any other Preparations for Building Meeting Houses in the said Town till the further Order of this Court

In the House of Representatives

Read and Concurd and

*Ordered* That Major Quiney & Major Turner be Joined in the Affair. [*Passed February 17.*<sup>1</sup>]

## CHAPTER 162.

### ORDER SUSPENDING EXECUTION AGAINST JOS. PRIEST & REFERRING THE CASE TO NEXT MAY SESSION.

Legislative  
Records of the  
Council, xiv.,  
42.

A PETITION of Joseph Priest of Watertown Praying that he may be allowed (by an Order of this Court) a new Trial of a Cause between Jonas Smith & Jonas Cutting & the Petitioner, tried at the last Supe-

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 16.



rior Court for the County of Middlesex, one of the Jury being nearly related to one of the other Parties, and for other Reasons in the said Petition particularly mentioned.

Read &

*Ordered* that the Petitioner serve the adverse Parties with a Copy of this Petition, that so they may give in their Answer thereto (if they think fit) on the first Tuesday of the next May Session ; & in the mean time that Execution against the Petitioner on the Judgment mentioned be suspended ; Any Law Usage or Custom to the contrary notwithstanding. [*Passed February 19.*]

House Journal, p. 120.

## CHAPTER 163.

ORDER ON PETITION OF STEPH. PEABODY & JON<sup>A</sup> TYLER FOR MAKING A BOOM ACROSS THE MERRIMACK RIVER.

A PETITION of Stephen Peabody & Jonathan Tyler in behalf of the Town of Boxford Praying for Liberty from this Court to make a Boom across Merrimack River for the stopping & securing the Timber, which is cut in the upper Towns on the said River, for building Ships and other uses, great Quantities of which are driven to Sea every year by stormy Weather to the very great Damage of the Owners.

In the House of Representatives

Read and

*Ordered* That the prayer of the Petition be granted, and that the Memorialists be allowed to run a Boom across the River Merry mack between Gages Ferry and Griflins Ferry, provided, That the Towns or proprietors of the Lands next Adjoyning to the River where the Boom runs across the same are consenting thereto

In Council Read & Non Concur'd And

*Ordered* that the Petitioners serve all the Towns lying on Merrimack River with Cops of this Petition, That so they may give in their Answer thereto (If they see Cause) on the second Wednesday of the next May Session :

In the house of Representatives Read And Non Concur'd and the House adhere to their own Vote with an Amendment viz<sup>t</sup> provided also that the Towns above the place proposed for the Boom & bordering upon the River be willing thereto, and Signifie the same by Vote in their Anniversary Meeting in March next

In Council Read & Concur'd. [*Passed February 19.*]

Legislative Records of the Council, xiv., 42. Mass. Archives, cv., 125.

Mass. Archives, cv., 124. House Journal, pp. 112, 117.

## CHAPTER 164.

ORDER OF NOTICE ON THE PETITION OF JN<sup>O</sup> VINTON & DAVID GOLD IN REGARD TO FLOWING LANDS.

A PETITION of John Vinton & David Gold Praying that this Court would order a new Trial of an Action between them & Timothy Sprague Administ<sup>r</sup> to Dorothy Sprague, respecting the Overflowing of Lands in which they are interested by raising & stopping the Water in Spot Pond ; which Action was bar'd on the Account of an Action formerly brought against Edward Sprague by the Agents of the Town of Charlestown.

Read and

*Ordered* That the petitioners Serve Timothy Sprague the Adverse

Legislative Records of the Council, xiv., 43. Mass. Archives, xli., 89.

Legislative Records of the Council, xiv., 6. Mass. Archives, xli., 87. House Journal, p. 118.

party with a Copy of this petition that he shew Cause if Any he hath on the second Wednesday of the next May Session why the prayer thereof should not be granted.<sup>1</sup> [*Passed February 19.*]

## CHAPTER 165.

### ORDER IMPOWERING ELISABETH LYNDSEY & OTHERS TO MAKE PARTITION OF AN ESTATE.

Legislative  
Records of the  
Council, xiv.,  
45.

House Jour-  
nal, p. 117.

A PETITION of Elisabeth Lyndsey Administ<sup>r</sup> with the Will annexed to her late Husband Eleazar Lyndsey Dec<sup>d</sup> Sarah Smith for her self & as Attorney to her Husband Ralph Smith, Samuel Trask & Elisabeth his Wife, Joseph Boyle & Content his Wife, Eleazar Lyndsey a Minor by his Guardian John Trask, & Lydia Lyndsey by her Guardian Samuel Aborne, the said Sarah, Elisabeth, Content, Eleazar & Lydia being the only surviving Children of the said Eleazar Lyndsey Dec<sup>d</sup> Praying that the Guardians of the said Minors may be enabled with the other Children to enter into an Agreement with the said Widow for her Part of the Real Estate of the Deceased; & that some suitable Persons may be appointed to divide the said Estate into five equal Parts, that so Justice may be done to the Infants, & the other Petitioners may know their own Parts in Order to improve the same to their best Advantage

Read &

*Ordered* that the Prayer of the Petition be granted, & that M<sup>r</sup> Ebenezer Burrill, Benjamin Marston Esq<sup>r</sup> M<sup>r</sup> Thomas Chever, M<sup>r</sup> John Higginson, & Daniel Epes Esq<sup>r</sup> (five Freeholders in the County of Essex) be & hereby are fully authorized & empowered to make Partition of the Estate within mentioned upon Oath first setting off to the Value of One hundred & fifty Pounds of the said Lands to Eleazar Lyndsey the Minor in Order to the Petitioners holding their respective & proportionable Parts in Severalty; & that they also return an Account of their Proceedings herein to the Register of Deeds Office for the County of Essex, who is accordingly directed to record the same at the Petitioners Charge. [*Passed February 20.*]

## CHAPTER 166.

### ORDER IMPOWERING THOMAS CUSHING JR. AS ATTORNEY TO JOSEPH THOMSON TO SURVEY AND LAY OUT 500 ACRES OF LAND.

Legislative  
Records of the  
Council, xiv.,  
45.

House Jour-  
nal, pp. 116, 121.

A PETITION of Thomas Cushing Jun<sup>r</sup> Attorney to M<sup>r</sup> Joseph Thomson of London one of the Heirs of Major Robert Thomson Dec<sup>d</sup> Praying that a Committee may be appointed to lay out Five hundred Acres of Land granted by the General Court of the late Colony of the Massachusetts Bay in the Year 1683, to the said Major Thomson & his Heirs, that so the same may be confirmed to them by this Court.

Read &

*Ordered* that the Prayer of the Petition be granted: And the Petitioner is accordingly allowed & empowered by a Survey<sup>r</sup> & Chain men on Oath to lay out Five hundred Acres of the unappropriated Land of this Province in the Nipmug Countrey and that he return a Plat thereof to this Court within twelve months for Confirmation & satisfying this Grant, Provided it has not been before laid [out]<sup>2</sup> or exceed the Quantity of Five hundred Acres. [*Passed February 21.*]

<sup>1</sup> On June 5, 1728, this petition was again considered and dismissed.

<sup>2</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 52.

## CHAPTER 167.

RESOLVE ALLOWING 25/ TO JOS. MARION.

AN ACCOMPT presented by Joseph Marion of Writing done for the Publick, Amounting to Twenty five shillings.

Legislative  
Records of the  
Council, xiv.,  
46.

[Read and]

*Resolved* that the sum of Twenty five shillings be allowed & paid out of the publick Treasury to the Accomptant Joseph Marion in full Discharge thereof. [*Passed February 21.*]

House Jour-  
nal, p. 122.

## CHAPTER 168.

RESOLVE ALLOWING £7. 12. 6 TO SAM<sup>L</sup> TYLEY.

AN ACCOMPT presented by Samuel Tyley of Writing done for the Publick, Amounting to the sum of £7. 12. 6.

Legislative  
Records of the  
Council, xiv.,  
46.

[Read and]

*Res[ol]ved* that the sum [of]<sup>1</sup> Seven Pounds twelve shillings & six pence be allowed & paid out of the publick Treasury to the Accomptant Samuel Tyley in full discharge thereof. [*Passed February 21.*]

House Jour-  
nal, p. 122.

## CHAPTER 169.

RESOLVE ALLOWING £400 TO THE L<sup>T</sup> GOV<sup>R</sup>.

*Resolved* that the sum of Four hundred Pounds be allowed & paid out of the publick Treasury to His Honour William Dummer Esq<sup>r</sup> Lieuten<sup>t</sup> Governor & Commander in Chief of this his Majestys Province for his support, & to enable him to manage the Affairs of the Governm<sup>t</sup>. [*Passed February 21.*]

Legislative  
Records of the  
Council, xiv.,  
46.

House Jour-  
nal, p. 122.

## CHAPTER 170.

RESOLVE ALLOWING £300 TO THE JUDGES.

*Resolved* that the sum of Three hundred Pounds be allowed & paid out of the publick Treasury to the Hon<sup>ble</sup> the Justices of his Majestys Superior Court of Judicature &c in proportion to the Courts they have attended the last half year. [*Passed February 21.*]

Legislative  
Records of the  
Council, xiv.,  
46.

House Jour-  
nal, p. 122.

## CHAPTER 171.

RESOLVE ALLOWING £70 TO THE S<sup>E</sup>C<sup>R</sup>E<sup>T</sup>A<sup>R</sup>Y AND A FURTHER SUM OF £30.

*Resolved* that the sum of Seventy Pounds be allowed & paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary of this Province for his Service the last Half Year, & that the further sum of Thirty

Legislative  
Records of the  
Council, xiv.,  
46.

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 52.

House Jour-  
nal, p. 122.

Pounds be allowed & paid out of the publick Treasury to the said Josiah Willard in consideration of the publick Affairs at this time calling for sundry things to pass that Office necessarily requiring a more strict Attendance from him to effect those Matters, many of which have no stated Fee or Allowance. [*Passed February 21.*]

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## CHAPTER 172.

### RESOLVE ALLOWING £50 TO THE TREASUR.

Legislative  
Records of the  
Council, xiv.,  
46.

House Jour-  
nal, p. 122.

*Resolved* that the sum of Fifty Pounds be allowed & paid out of the publick Treasury to Jeremiah Allen Esq<sup>r</sup> Treasurer & Receiver General of this Province for his extraordinary Services therein this present Year. [*Passed February 21.*]

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## CHAPTER 173.

### RESOLVE ALLOWING £50 TO THE CLERK OF THE HOUSE.

Legislative  
Records of the  
Council, xiv.,  
46.

House Jour-  
nal, p. 123.  
*Infra*, chap.  
174.

*Resolved* that the sum of Fifty Pounds be allowed & paid out of the publick Treasury to John Wainwright Esq<sup>r</sup> Clerk of the House for his Service the Year Currant. [*Passed February 21.*]

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## CHAPTER 174.

### RESOLVE ALLOWING £20 ADDITION<sup>L</sup> TO THE CLERK OF Y<sup>E</sup> HOUSE.

Legislative  
Records of the  
Council, xiv.,  
47.

House Jour-  
nal, p. 123.  
*Supra*, chap.  
173.

*Resolved* that the sum of Twenty Pounds be allowed & paid out of the publick Treasury to John Wainwright Esq<sup>r</sup> Clerk of the House for his Trouble in transcribing the Votes for the Press. [*Passed February 21.*]

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## CHAPTER 175.

### RESOLVE ALLOWING £25 TO THE CHAPLAIN OF THE COURT.

Legislative  
Records of the  
Council, xiv.,  
47.

House Jour-  
nal, p. 123.

*Resolved* that the sum of Twenty five Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Ezekiel Lewis, to be by him repaid to the Rev<sup>d</sup> M<sup>r</sup> Samuel Checkley who has officiated as Chaplain of both Houses during the whole of the Sessions this Year with the Thanks of the Court for his good Services. [*Passed February 21.*]

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## CHAPTER 176.

### RESOLVE ALLOWING £60 TO THE DOOR KEEPER.

Legislative  
Records of the  
Council, xiv.,  
47.

House Jour-  
nal, p. 123.

*Resolved* that the sum of Sixty Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Richard Hubbard Door keeper to this Court for his Service half a year, which determined the nineteenth Instant. [*Passed February 21.*]

## CHAPTER 177.

## VOTE FOR NEW SIGNERS OF THE BILLS OF CREDIT.

*Voted* that Elisha Cook & William Dudley Esq<sup>rs</sup> be added to the Committee appointed to sign the Bills of Credit on this Province in the room of Penn Townsend Esq<sup>r</sup> Dec<sup>d</sup> & John Clark Esq<sup>r</sup> the said Committee to be paid for their Service as heretofore. [*Passed February 21.*]

Legislative  
Records of the  
Council, xiv.,  
47.

House Jour-  
nal, p. 123.  
Province  
Laws, ix., 70,  
chap. 44; x.,  
273, chap. 331.  
*Infra*, chap.  
178.

## CHAPTER 178.

## RESOLVE DIRECTING £20,000 IN BILLS OF CREDIT TO BE MADE.

*Resolved* that the Committee appointed by this Court for signing Bills of Credit be & hereby are directed to print off & finish in Bills of Credit on this Province as soon as may be the sum of Twenty thousand Pounds, Seventeen thousand Pounds, Part thereof from the Plate of the highest Denomination, Two thousand Pounds, Part thereof from the Plate of the middle Denomination, That the Committee be also directed to put some plain Mark to distinguish the Ten shilling Bills which shall now be struck off from those already issued; & One thousand Pounds the Residue & remaining Part thereof from the Plate of the lowest Denomination, & deliver the same when finished to the Treasurer, taking his Receipt for them; The said Committee to be paid for their service as for the Bills last made, & the Bills to be issued out as this Court shall order. [*Passed February 21.*]

Legislative  
Records of the  
Council, xiv.,  
47.

House Jour-  
nal, p. 124.  
Province  
Laws, ii., 486.  
*Supra*, chap.  
177.

## CHAPTER 179.

## RESOLVE ALLOWING 4/ PER DIEM TO THE SPEAKER.

*Resolved* that there be allowed and paid out of the publick Treasury after the rate of Four shillings per Diem for every Day of the present Session of this Court, upon Certificate from the Clerk of the House, to the Hon<sup>ble</sup> William Dudley Esq<sup>r</sup> Speaker in consideration of his constant Application in dispatching the publick Affairs of the Province. [*Passed February 21.*]

Legislative  
Records of the  
Council, xiv.,  
47.

House Jour-  
nal, p. 123.

## CHAPTER 180.

## RESOLVE FOR A PRESENT TO THE INDIANS.

IN CONSIDERATION of that part of Cpt. Gyles's Letter to his Honour the Lieuten<sup>t</sup> Governor which relates to making Presents to some of the Eastern Chiefs of the Indian Tribes;

*Resolved* that M<sup>r</sup> Treasurer be directed to furnish one Piece of Strouds, half a Barrel of Pistol Powder, one hundred & fifty Pounds of Shot & one fine Blanket, & send the same to Cpt. John Gyles, to be be<sup>1</sup> him distributed among the Indian, Chiefs, & agreeable to his Advice in his Letter above mentioned.<sup>2</sup> [*Passed February 21.*]

Legislative  
Records of the  
Council, xiv.,  
47.

Legislative  
Records of the  
Council, xlii.,  
464.

<sup>1</sup> *Sic* for "by." See State Library copy, Legislative Records of the Council, xiv., 54.

<sup>2</sup> Not found in the House Journal.

## CHAPTER 181.

## VOTE FOR A COMMITTEE FOR RETRIEVING THE VALUE OF THE BILLS.

Legislative  
Records of the  
Council, xiv.,  
47.

Legislative  
Records of the  
Council, xiii.,  
502, 508; xiv.,  
25. House  
Journal, p. 123.  
*Ante*, p. 212,  
chap. 215.

In the House of Represent<sup>ves</sup>

*Voted* that William Dudley & Elisha Cook Esq<sup>rs</sup> M<sup>r</sup> Thomas Cushing M<sup>r</sup> Ezekiel Lewis, M<sup>r</sup> Samuel Welles & Jonathan Remington Esq<sup>r</sup> with such as the Hon<sup>ble</sup> Board shall appoint be a Committee in the Recess of the Court, to receive & consider any Scheme or Projection for retrieving the Value of the Bills of Credit or for making suitable Provision for a Medium of Trade for the Inhabitants of this Province, And the said Committee are fully authorized to take Subscription of any Persons for the Fulfilment of such Scheme or Schemes; & make Report of what is proper for this Court to do thereon.

In Council; Read & Concur'd; & Nathaniel Byfield, Addington Davenport, Thomas Hutchinson, Thomas Fitch, Edmund Quincy & Jonathan Belcher Esq<sup>rs</sup> are added to the Committee on the Affair above. [*Passed February 21.*]

## CHAPTER 182.

## ORDER LOCATING A MEETING HOUSE IN MALDEN.

Legislative  
Records of the  
Council, xiv.,  
48.

House Jour-  
nal, p. 121.

A PETITION of Daniel Floyd, Samuel Mower & sundry others Inhabitants of the Town of Malden, Shewing that the said Town at a Meeting of the Inhabitants regularly assembled on the seventeenth of November last chose a Committee to fix a Place for setting the Meeting House on for the publick Worship of God in the said Town, & that the said Committee did unanimously agree that the said Meeting house should be set between Lewis's Bridge & the Pound on the West Side of the Country Road on a Piece of Land lately staked out. Praying the Order of this Court for confirming the said Place for erecting the said Meeting house on

Read & In answer to this Petition,

*Ordered* that the Determination of the Committee therein mentioned respecting a Place for erecting a new Meeting house in Malden the 27<sup>th</sup> of December last directed & delivered to the Select men or some of them, or an other of the same Tenour signed & attested by the same Committee January 12. 1727, be received & recorded in the Town Book of the Town of Malden, & be to all Intents and Purposes obligatory on the said Town, Pursuant to the Vote bearing Date the 17<sup>th</sup> of November last. [*Passed February 21.*]

## CHAPTER 183.

## ORDER DIRECTING THE TREASURER TO PAY £19 FOR PREMIUM ON 3 PIECES OF LINEN.

Legislative  
Records of the  
Council, xiv.,  
49.

House Jour-  
nal, p. 123.  
Province  
Laws, ii., 241,  
chap. 1.

A PETITION of the Justices of the County of Bristol in their General Sessions of the Peace, Setting forth that, Pursuant to the Act for the Encouragement of the Linnen Manufacture, they ordered Payment out of their County Treasury to the Owners of the three best Pieces of Linen Cloth made in the s<sup>d</sup> County, & offered to the Sessions, the sum of Nineteen Pounds at which the said Pieces were valued on Oath, That the Treasurer of the said County of Bristol sent his Certificate to the Prov-

ince Treasurer that so he might repay the said sum according to the Direction of the said Act; which the Province Treasurer refuses to do; And therefore Praying that the Province Treasurer may be directed to repay the said sum.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Province Treasurer be impowered & directed to pay out of the Publick Treasury the sum of Nineteen Pounds to the County Treasurer for the County of Bristol in full for the three Pieces of Linen made mention of. [*Passed February 21.*]

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## CHAPTER 184.

### ORDER GRANTING REBEC. COVEL A NEW TRIAL.

A PETITION of Rebecca Covell Praying that she may be enabled to prosecute an Appeal from a Judgment of the Inferiour Court of Common Pleas at Barnstable 172<sup>3</sup>/<sub>4</sub> in an Action of the Case by her commenced against Joseph Lothrop of Barnstable Gent. alias Esquire for grievously & evilly intreating her; Which Appeal she failed of prosecuting at the then next Superior Court, because she wanted a Paper in the said Cause which was very necessary for her.

Legislative  
Records of the  
Council, xiv.,  
49.

House Jour.  
nal, p. 43.

Read &

*Ordered* that the Prayer of the Petition be granted, & that it shall be lawful for the Petitioner to have a Trial of her Appeal from the Judgment of the said Inferior Court before the Superiour Court of Judicature to be held at Plymouth for the Counties of Plymouth Barnstable & Dukes County on the last Tuesday of April next; And the Justices of the said Superior Court are also hereby impowered & directed to hear the said Action on the Appeal, enter up Judgement, & award Execution accordingly, Provided the Petitioner notify the adverse Party Joseph Lothrop Esq<sup>r</sup> with a Copy of the Petition & Order thereon fourteen days at least before the Sitting of the said Superiour Court; Any Law Usage or Custom to the contrary notwithstanding. [*Passed February 21.*]





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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1728-29.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1728-29.

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THE HONORABLE WILLIAM DUMMER, ESQ., LIEUT. GOVERNOR,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC. [*until June 21, 1728*].

HIS EXCELLENCY WILLIAM BURNET,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC. [*from July 24, 1728*].

JOSIAH WILLARD, ESQ.,  
SECRETARY OF THE PROVINCE.

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## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called  
the Colony of the Massachusetts Bay;*

WILLIAM TAILER	}	ESQRS.
BENJAMIN LYNDÉ		
ADDINGTON DAVENPORT		
THOMAS HUTCHINSON		
SAMUEL BROWN		
THOMAS FITCH		
EDMUND QUINCY		
ADAM WINTHROP		
ELISHA COOK		

PAUL DUDLEY	}	ESQRS.
SAMUEL THAXTER		
JOHN TURNER		
DANIEL OLIVER		
JOHN STODDARD		
JOHN CHANDLER		
TIMOTHY LINDALL		
CHARLES CHAMBERS		
THEOPHILUS BURRILL		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called  
the Colony of New Plymouth;*

NATHANIEL BYFIELD	}	ESQRS.
ISAAC WINSLOW		

JOHN CUSHING	}	ESQRS.
MELETIAH BOURN		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called  
the Province of Mayn;*

JOHN WHEELWRIGHT, JOSEPH HAMMOND & WILLIAM PEPPERIL, JUNIOR, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between  
the River of Sagadahock & Nova Scotia;*

SPENCER PHIPS, ESQ.

<sup>1</sup> See Legislative Records of the Council, xiv., 52-55.

*For the Province, at large:—*

JONATHAN DOWSE &amp; SYMONDS EPES, ESQRS.

## REPRESENTATIVES OR DEPUTIES.

*May 29, 1728 to April 18, 1729.*

MR. WILLIAM DUDLEY, SPEAKER.

## COUNTY OF SUFFOLK.

<i>Boston</i> , . . .	Elisha Cook, Esq.,
	Mr. Ezekiel Lewis,
	Mr. Thomas Cushing,
	Mr. Samuel Welles.
<i>Roxbury</i> , . .	William Dudley, Esq.
<i>Dorchester</i> , .	Major Thomas Tilestone.
<i>Brantrey</i> , . .	John Quincy, Esq.
<i>Milton</i> , . . .	Mr. Ephraim Tucker.
<i>Weymouth</i> , .	Mr. Gideon Terrill.
<i>Hingham</i> , . .	Mr. John Jacobs.
<i>Dedham</i> , . . .	Mr. Joseph Ellis.
<i>Medfield</i> , . .	Mr. Henry Adams.
<i>Mendon</i> , . . .	Mr. Daniel Taft.
<i>Wrentham</i> , . .	Capt. Robert Blake.
<i>Brooklym</i> , . .	Mr. Samuel White.
<i>Woodstock</i> , .	Major John Chandler.
<i>Needham</i> , . .	Mr. Josiah Kingsberry.

## COUNTY OF ESSEX.

<i>Salem</i> , . . .	Benjamin Marston, Esq.,
	Benjamin Lynde, Jr., Esq.
<i>Ipswich</i> , . . .	John Wainwright, Esq.
<i>Newbury</i> , . .	Major Joseph Gerrish.
<i>Lynn</i> , . . . .	Mr. Ebenezer Burrill.
<i>Marblehead</i> , .	Joshua Orne, Esq.,
	Mr. Samuel Stacey.
<i>Haverhill</i> , . .	Richard Saltonstal, Esq.
<i>Rowley</i> , . . .	Mr. John Hobson.
<i>Salisbury</i> , . .	Mr. William True.
<i>Glocester</i> , . .	Mr. James Sayward.
<i>Andover</i> , . . .	Benjamin Stevens, Esq.
<i>Topsfield</i> , . .	Capt. Joseph Gold.
<i>Beverly</i> , . . .	Mr. Andrew Dodge.
<i>Wenham</i> , . . .	Mr. William Fairfield.
<i>Bogford</i> , . . .	Mr. Joseph Hale.
<i>Bradford</i> , . .	Mr. Richard Kemball.
<i>Amesbury</i> , . .	Capt. John Foot.

## COUNTY OF MIDDLESEX.

<i>Cambridge</i> , . .	Jonathan Remington, Esq.
<i>Charlestown</i> , .	Jonathan Dowse, Esq.,
	Mr. Joseph Lemon.

COUNTY OF MIDDLESEX — *Concluded.*

<i>Watertown</i> , . .	Mr. Nathan Fisk.
<i>Concord</i> , . . .	Mr. John Flynt.
<i>Newton</i> , . . .	Ebenezer Stone, Esq.
<i>Sudbury</i> , . . .	Capt. Ephraim Curtis.
<i>Marlborough</i> , .	Mr. Peter Rice.
<i>Leicester</i> , . . .	Mr. Josiah White.
<i>Sherborn</i> , . . .	Mr. John D'Aeth.
<i>Groton</i> , . . . .	Mr. John Shipley.
<i>Frammingham</i> , .	Capt. Edward Goddard.
<i>Chelmsford</i> , . .	Mr. Benjamin Adams.
<i>Billerica</i> , . . .	Oliver Whiting, Esq.
<i>Woburn</i> , . . . .	Capt. John Fowle.
<i>Reading</i> , . . .	Capt. Kendal Parker.
<i>Malden</i> , . . . .	Mr. Jonathan Sergeant.
<i>Lexington</i> , . .	Mr. Benjamin Willington.
<i>Weston</i> , . . . .	Mr. Joseph Allen.
<i>Worcester</i> , . . .	Mr. William Jennison.

## COUNTY OF HAMPSHIRE.

<i>Springfield</i> , .	Mr. Samuel Day.
<i>Northampton</i> , .	Mr. Ebenezer Wright.
<i>Hadley</i> , . . . .	Mr. John Nash.
<i>Hadfield</i> , . . .	Mr. John Dickenson.
<i>Westfield</i> , . . .	Mr. John Gun.
<i>Suffield</i> , . . . .	Mr. John Kent.
<i>Enfield</i> , . . . .	Mr. Nathaniel Collins.

## COUNTY OF PLYMOUTH.

<i>Plymouth</i> , . . .	Mr. John Foster.
<i>Scituate</i> , . . . .	Major Amos Turner.
<i>Marshfield</i> , . .	Mr. John Little.
<i>Duxbury</i> , . . .	Capt. John Alden.
<i>Bridgewater</i> , . .	Capt. Isaac Johnson.
<i>Middleboro</i> , . . .	Mr. Nathaniel Southworth.
<i>Rochester</i> , . . .	Mr. Thomas Turner.
<i>Plimpton</i> , . . .	Mr. Samuel Bradford.
<i>Pembroke</i> , . . .	Mr. Elisha Bysby.

## COUNTY OF BARNSTABLE.

<i>Barnstable</i> , . .	Shubal Gorham, Esq.
<i>Yarmouth</i> , . . .	Mr. Shubal Baxter.

COUNTY OF BARNSTABLE — *Concluded.*

*Sandwich*, . . . Ezra Bourn, Esq.  
*Eastham*, . . . Mr. Samuel Knowles.  
*Truro*, . . . Mr. Thomas Payne.  
*Harwich*, . . . Edmund Freeman, Esq.

COUNTY OF BRISTOL.

*Bristol*, . . . Nathaniel Payne, Esq.  
*Taunton*, . . . Seth Williams, Esq.  
*Swanzy*, . . . Mr. Hugh Cole.  
*Rehoboth*, . . . Mr. Jathniel Peck.  
*Little Compton*, Thomas Church, Esq.  
*Dighton*, . . . Mr. Edward Shove.  
*Tiverton*, . . . Mr. John Cook.  
*Dartmouth*, . . . Capt. John Akin.  
*Attleborough*, . . . Capt. Joseph Brown.

COUNTY OF BRISTOL — *Concluded.*

*Norton*, . . . Capt. Samuel Brentnall.  
*Freetown*, . . . Mr. Samuel Valentine.

COUNTY OF YORK.

*York*, . . . . Jeremiah Moulton, Esq.  
*Kittery*, . . . . Capt. Stephen Eastwick.  
*Wells*, . . . . Mr. John Storer.  
*Berwick*, . . . Mr. Elisha Plaisted.  
*Scarboró*, . . . Capt. Arthur Bragdon.

DUKES COUNTY.

*Chilmark*, . . } Mr. Benjamin Smith.  
*Tisbury*, . . }

IN THE COUNTY OF NANTUCKET.

*Sherburn*, . . . George Bunker, Esq.



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-NINTH DAY OF MAY, A.D. 1728.

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## CHAPTER 1.

ORDER ALLOWING THE ACCT<sup>r</sup> OF THE CO. TREAS<sup>r</sup> OF HAMPSHIRE.

AN ACCOMPT presented by Joseph Hawley Treasurer of the County of Hampshire for the last Year; Having been laid before the Court of General Sessions of the Peace for the s<sup>d</sup> County & by them examined & allow'd,

Read & Accepted &

*Ordered* that this Accompt be allowed. [*Passed May 31.*]

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Legislative  
Records of the  
Council, xiv.,  
56.

House Jour-  
nal, p. 9.

## CHAPTER 2.

ORDER ALLOWING THE ACCT<sup>r</sup> OF THE CO. TREAS<sup>r</sup> OF PLYMOUTH.

AN ACCOMPT presented by Cpt. John Dyer Treasurer of the County of Plymouth for the last year; Having by him been laid before the Court of General Sessions of the Peace for the s<sup>d</sup> County & by them examined & allowed;

Read & Accepted &

*Ordered* that this Accompt be allowed. [*Passed May 31.*]

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Legislative  
Records of the  
Council, xiv.,  
56.

House Jour-  
nal, p. 9.

## CHAPTER 3.

ORDER ON THE MEM<sup>o</sup> OF THE HASSANIMISCO COMMITTEE LAYING OUT  
PROPRIETORS' SHARES.

A MEMORIAL of Spencer Phips Esq<sup>r</sup> Cpt. Ephraim Curtis, & Cpt. Edward Goddard Trustees for the Indians of Hassanimisco appointed by this Court, Setting forth that the former Committee in their Report on the Affair of Hassanimisco, which was accepted by this Court, inserted nine Proprietors, or Families belonging to the said Place, whereas in Fact there are but seven, Praying for the Direction of this Court referring to the Deeds or Conveyances to be made by the said Indians to the English Purchasers, & to the Disposition of the Purchase Money, & such other Advice in the Affair as is necessary.

Read & Whereas notwithstanding a former Report of the Committee for Hassanimisco, In which the Number of nine Families is inserted making thirty two Persons (therein called Proprietors) It now appears

Legislative  
Records of the  
Council, xiv.,  
56.

House Jour-  
nal, pp. 9, 10.  
*Ante*, p. 240,  
chap. 52; p. 283,  
chap. 159.

to this Court, there are but seven Indian Families or Proprietors in Hassanimisco,

*Ordered* that the present Committee or Trustees for Hassanimisco lay out seven Proprietors Shares there and no more; Any former Order of this Court notwithstanding. [*Passed May 31.*]

## CHAPTER 4.

### ORDER ALLOWING THE ACCT OF MIDDLESEX CO. TREAS<sup>R</sup>.

Legislative  
Records of the  
Council, xiv.,  
57.

House Jour-  
nal, p. 10.

AN ACCOUNT presented by Daniel Russell Esq<sup>r</sup> Treasurer of the County of Middlesex; Having been by him laid before the Court of General Sessions of the Peace for the said County and by them examined & allowed of

Read & Accepted &

*Ordered* that this Account be accepted. [*Passed June 1.*]

## CHAPTER 5.

### VOTE INDEMNIFYING NATH<sup>L</sup> PEASELY FROM COST & CHARGE IN A SUIT.

Legislative  
Records of the  
Council, xiv.,  
57.

House Jour-  
nal, p. 10.  
*Ante*, p. 234,  
chap. 33.

A PETITION of Nathaniel Peaseley of Haverhill one of the Under Sherifs of the County of Essex, Shewing that being lately at Portsmouth in the Province of New Hampshire, he was arrested & held to Bail in the sum of Three hundred Pounds to answer to an Action of Trespass & Assault brought against him by one John Adams at the Inferiour Court in said Province; Which Action was brought against him for executing his Office in removing the said Adams out of the Dwelling house of William Mudget of Haverhill by the special Direction of the General Court, Praying for such Relief as to the Wisdom of this Court shall seem fit.

Read & In as much as the Vote of this Court at their Session in November last past on the Petition of William Mudget occasioned M<sup>r</sup> Justice Appleton and M<sup>r</sup> Justice Saltonstal to issue out the Warrant mentioned in the within Petition; And the Petitioner being by Oath obliged to serve Warrants from lawful Authority,

*Voted* that the Petitioner be & hereby is indemnified from all Cost & Charge that may arise in the Prosecution brought against him by John Adams to be heard & tried at Portsmouth in the Province of New Hampshire on the sixth Instant. And that John Read Esq<sup>r</sup> be retained to defend him the Petitioner in the afore said Suit. The Charge to be paid out of the Province Treasury. [*Passed June 1.*]

## CHAPTER 6.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE TAUNTON AFFAIR.

Legislative  
Records of the  
Council, xiv.,  
58.

NATHANIEL BYFIELD Esq<sup>r</sup> from the Committee of both Houses appointed to consider the Petitions of the Inhabitants of Taunton for two<sup>1</sup> new Precincts gave in the following Report; viz,

<sup>1</sup> *Quære*, three?



Whereas Nathaniel Byfield, John Cushing, Samuel Thaxter John Quincy & Amos Turner were by the Great & General Court of this his Majestys Province of the Massachusetts Bay in New England at their Session begun & held at Boston the twenty second of November 1727, appointed a Committee to repair to the Town of Taunton carefully to view the Situation & Circumstances of the Inhabitants in the several Parts thereof: House Journal, p. 11. Ante, p. 284, chap. 161.

Imprimis, We are humbly of Opinion that it is not convenient to divide the Town into three Precincts, altho there is a Probability that in time they may be capable of it.

2<sup>dly</sup> That a suitable House for the publick Worship of God be built at the Charge of the whole Town, where or near where the present Meeting House now stands; which is so decayed that it will not admit of being repaired:

3<sup>dly</sup> That an able learned orthodox Minister of good Conversation be procured & settled by the Town, & at their Charge to carry on the Work of the Ministry among them.

4<sup>thly</sup> That when the Great & General Court shall set off one or more Precincts the Inhabitants & Estates in that Precinct where the House for the publick Worship of God stands shall reimburse the Precinct or Precincts that are set off so much as they shall have paid towards the building of a House & settling a Minister:

In the Name & by Order of the Comm<sup>tee</sup>

Boston June 1. 1728.

NATH<sup>l</sup> BYFIELD.

Read &

*Ordered* that this Report be accepted. [*Passed June 4.*]

## CHAPTER 7.

RESOLVE ALLOWING £204. 14. 4 TO LIEUT JOHN LARRABEE FOR VICTUALLING CASTLE WILLIAM, AND FURTHER ADVANCING £200.

AN ACCOMPT presented by Lieut. John Larrabee of the Charge of Victualling the Garrison at his Majestys Castle William from the 20<sup>th</sup> of Novem<sup>r</sup> 1727, to the 19<sup>th</sup> of May 1728, Amounting to the sum of £404. 15. 4 £200 being advanced, the Ballance is, £204. 14. 4. Legislative Records of the Council, xiv., 59.

Read &

*Resolved* that M<sup>r</sup> Treasurer Allen be & hereby is directed to pay out of the publick Treasury to the said Lieut. John Larrabee the sum of Two hundred & four Pounds fourteen shillings & four pence to discharge the said Accompt; And further that the said M<sup>r</sup> Treasurer Allen be & hereby is d[i]rected to advance & pay to the said John Larrabee the sum of Two hundred Pounds for victualling the said Garrison according to the last establish<sup>mt</sup> being Eight shillings per Week per Man, Taking Security from him for the true and faithful Performance thereof. [*Passed June 5.*]

House Journal, pp. 13, 14. Ante, p. 155, chap. 51. Infra, chap. 8.

## CHAPTER 8.

RESOLVE ALLOWING £40 TO LIEUT. JOHN LARRABEE.

A PETITION of John Larrabee Lieutenant of his Majestys Castle William Shewing that by reason of his constant Attendance there, he is exposed to great Expence, which no other Officer in the Service is Legislative Records of the Council, xiv., 59.

House Jour-  
nal, p. 13.  
*Supra*, chap. 7.

exposed to for the Entertainment & Refreshm<sup>t</sup> of publick Persons & Strangers, which Expence he has pass'd thro' for four years without having allowed him for his Table, And therefore Praying for some Allowance from this Court.

Read, & In answer to this Petition,

*Resolved* that the sum of Forty Pounds be allowed & paid out of the publick Treasury to the Petitioner Lieuten<sup>t</sup> John Larrabee in consideration of the extraordinary Expence within mentioned. [*Passed June 5.*]

## CHAPTER 9.

RESOLVE ALLOWING £6. 6. 4 TO DANIEL POWNING, AND A FURTHER SUM OF £10 TO HIS SALARY.

Legislative  
Records of the  
Council, xiv.,  
59.

House Jour-  
nal, p. 13.

AN ACCOMPT was presented by Lieutenant Daniel Powning, Keeper of the Powder house in Boston of Expences in Coal, Candles &c, Watch mens Wages & his own Salary, as also Money received for Storage of Gun Powder belonging to Merchants, from the first of June 1727, to this present time, Ballance whereof due to the Accomptant is £6. 6. 4.

Read &

*Resolved* that the sum of Six Pounds six shillings & four pence be allowed & paid out of the publick Treasury to Daniel Powning in full discharge of the within Accompt, ending the first Currant: And that there be an additional Allowance of Ten Pounds more to the Petitioner, for his Salary the Year Currant. [*Passed June 5.*]

## CHAPTER 10.

RESOLVE ALLOWING £34. 6. 5 TO CPT. JN<sup>o</sup> HAYES AND A FURTHER SUM OF £5.

Legislative  
Records of the  
Council, xiv.,  
60.

House Jour-  
nal, pp. 10, 14.

A MEMORIAL of Cpt. John Hayes, Keeper of the Light house Shewing that in Feby. last, he came up to Town in the Light House Boat, to provide Necessaries for his Family, & not being able to return the same Day, he secured his Boat as well as he could, but in the Night a certain Portugeze Boy ran away with his Boat & carried her down to Sandwich, where he left her jam'd in among the Ice, by which means she was greatly damnified. That the Petitioner brought her up to Boston & got her repaired. Praying an Allowance of her Charges, & also of her Repairs, Amounting to the sum of £34. 6. 5 & some thing for his Time & Trouble spent in the said Affair.

Read [and Accepted] &

*Resolved* that the sum of Thirty four Pounds six shillings & five pence be allowed & paid out of the publick Treasury to Cpt. John Hayes, to be by him paid to the Persons to whom it is respectively due in full discharge of the said Accompt: & that the further sum of Five Pounds be allowed & paid out of the publick Treasury to the said John Hayes in full for his time in searching for & finding the Boat within mentioned. [*Passed June 5.*]

## CHAPTER 11.

## RESOLVE ALLOWING £10 TO JOHN DORREL.

A PETITION of Philip Dorrel of the Town of Arundel Praying for some Consideration from this Court, on the Account of his Son John Dorrels being carried away Captive by the S<sup>t</sup> Francois Indians, who at the same time carried away his Wife, Daughter & her Child, & destroyed much of his Substance, his Son being now returned from Captivity almost naked.

Legislative  
Records of the  
Council, xiv.,  
60.

House Jour-  
nal, p. 15.  
*Ante*, p. 271,  
chap. 128.

Read & In answer to this Petition,

*Resolved* that the sum of Ten Pounds be allowed & paid out of the publick Treasury to Cpt. Jeremiah Moulton, to be by him disposed of in the best manner for Cloathing the Petitioners Son John Dorrel lately returned from Captivity. [*Passed June 5.*]

## CHAPTER 12.

## RESOLVE CONFIRMING 100 ACRES OF LAND TO CPT. JOSEPH BROWN.

A SURVEY of William Chandler Surveyour, of One hundred Acres of Land, granted by this Court at their Session in May 1727, to Cpt. Joseph Brown of Attleborò, Which Land is laid out adjoining to Woodstock Line on the South, & Oxford Line on the North, & the Farm called Wades Farn on the East, as by the Plat on File.

Legislative  
Records of the  
Council, xiv.,  
60.

House Jour-  
nal, p. 14.  
*Ante*, p. 151,  
chap. 41.

Read &

*Resolved* that the Lands delineated & described in the within Plan be & hereby are confirmed to the said Joseph Brown his Heirs & Assigns for ever, Provided it exceed not the Quantity of One hundred Acres of Land, nor interfere with any other or former Grant of this Court. [*Passed June 5.*]

## CHAPTER 13.

RESOLVE ALLOWING £20 TO JN<sup>o</sup> READ ESQ<sup>r</sup> AND A FURTHER SUM OF £10 TO NATH<sup>l</sup> PEASLY.

*Resolved* that the sum of Twenty Pounds be allowed & paid out of the publick Treasury to John Read Esq<sup>r</sup> to enable him to defend, & if need be to prosecute the Action brought by John Adams against Nathaniel Peaslee of Haverhill, to be heard & tried at Portsmouth in New Hampshire, And that the further sum of Ten Pounds be allowed & paid out of the publick Treasury to the said Nathaniel Peasley to enable him to go through with the said Action, For the Expence of which he is to be accountable to this Court. [*Passed June 5.*]

Legislative  
Records of the  
Council, xiv.,  
61.

House Jour-  
nal, p. 11.  
*Ante*, p. 300,  
chap. 5.

## CHAPTER 14.

RESOLVE IMPOWERING THE SELECT MEN OF UXBRIDGE TO RAISE A TAX OF 1 PENNY PER ACRE ON LAND.

Legislative  
Records of the  
Council, xiv.,  
61.

House Jour-  
nal, p. 15.  
Province  
Laws, ii., 427,  
chap. 12.

A PETITION of the Selectmen of the Town of Uxbridge, Praying in consideration of their being newly set off a Township & their extraordinary Charges ensuing thereupon, that their Province Tax may be remitted to them for three or four years next coming, & that they may be impowered to raise a Tax of Two pence per Acre on the unimproved Lands lying in the said Town belonging to Non residents for supporting their Charge.

Read & In answer to this Petition,

*Resolved* that the Select men of the Town of Uxbridge for the time being for three years next coming be and hereby are fully authorized & impowered to raise a Tax of one Penny per Acre on all the unimproved Lands lying & being within the Town of Uxbridge belonging to the Non resident Proprietors; which is appropriated for & towards the defraying the Ministerial Charge there; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed June 5.*]

## CHAPTER 15.

ORDER TRANSFERRING DIVERS INHABTS OF SUTTON TO WESTBORÔ.

Legislative  
Records of the  
Council, xiv.,  
61.

House Jour-  
nal, p. 15.

A PETITION of John Graves, Jonathan Furbush Simon Taynter & Samuel Livermore, James Fay, James Miller, James Bowman, John Fay, Bariah Rice, Daniel Hardy, & Samuel Herrington, Inhabitants of the Town of Sutton, Shewing that they live very remote from the Place of public Worship in said Town, the nearest being ten miles off, & that they are not more than four miles distant from the Meeting house where they usually attend. Praying that they with their Families & Estates may be wholly set off from Sutton and incorporated with the Town of Westborough

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petitioners with their Families, & Estates & the other Lands contained in the Plan annexed to the Petition be & hereby are separated from the Town of Sutton & accounted a Part of Westborough according to the Line set forth in the said Plan. [*Passed June 5.*]

## CHAPTER 16.

RESOLVE ALLOWING £20 TO CPT. THO. SMITHS PETITION.

Legislative  
Records of the  
Council, xiv.,  
62.

House Jour-  
nal, pp. 10, 14.  
*Autc.* p. 261,  
chap. 100.

A PETITION of Cpt. Thomas Smith, Praying that he may be allowed Pay as Truck master for two months after the Expiration of the Year (he being so long in a Voyage to S<sup>t</sup> Georges to deliver the publick Stores to his Successor & to bring off his own Things,) & that he may be allowed his Servants Wages the same time, he being so long continued in the Service.

Read &

*Resolved* that the sum of Twenty Pounds be allowed & paid out of the publick Treasury to Cpt. Thomas Smith in full for his Services above mentioned, & that his Servant be made up in Cpt. Gyles's next Muster Roll as a Centinel from the 21<sup>st</sup> of December to the 21<sup>st</sup> of February last. [*Passed June 5.*]

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## CHAPTER 17.

### RESOLVE ALLOWING £10 TO JAMES NAP.

A PETITION of James Nap a Youth lately redeemed out of Captivity, being taken Prisoner by the Indians about three weeks, Praying the Court for some Allowance for Cloathing him, He being almost naked & unable to purchase Cloathing for him self.

Read &

*Resolved* that the sum of Ten Pounds be allowed & paid out of the publick Treasury to Major Thomas Tilestone to be by him disposed in the most prudent manner for purchasing necessary Cloathing for the Petitioner. [*Passed June 6.*]

Legislative  
Records of the  
Council, xiv.,  
63.

House Jour-  
nal, p. 17.  
*Ante*, p. 271,  
chap. 128.

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## CHAPTER 18.

### VOTE IMPOWERING CPT. BENJA<sup>A</sup> WRIGHT TO LAY OUT 200 ACRES OF LAND.

A PETITION of Cpt. Benjamin Wright of Northfield, Shewing that he has for near forty years past been employed in the Service against the Indian Enemy, & been exposed to many dangers & difficulties, that at five several times he has been engaged with them so successfully, that many of them were slain, Praying that this Court would grant him such Recompence for his said services as to their great Wisdom & Goodness shall seem meet

Read & In answer to this Petition,

*Voted* that the Petitioner be allowed & impowered by a Surveyor and Chainmen on Oath to survey & lay out Two hundred Acres of the unappropriated Lands in the County of Hampshire, & return a Plat thereof to this Court within twelve months for Confirmation to him, his Heirs & Assigns. [*Passed June 6.*]

Legislative  
Records of the  
Council, xiv.,  
63.

House Jour-  
nal, p. 14.

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## CHAPTER 19.

### ORDER IMPOWERING WATERTOWN & WESTON TO LAY OUT 2,000 ACRES OF LAND.

A PETITION of Committees of the Towns of Watertown & Weston Praying that they may be allowed to take up a Tract of the unappropriated Lands belonging to this Province, to fulfill a Grant of Two thousand Acres formerly made to the Town of Watertown (of which Weston was then a Part,) which Grant has never been taken up.

Read and Accepted and

*Resolved* That the prayer of the petition be so far granted that the

Legislative  
Records of the  
Council, xiv.,  
63. Mass.  
Archives,  
cxiii., 756.

Mass.  
Archives,  
cxiii., 754, 757,  
758. House

Journal, p. 120  
(Feb., 1727);  
pp. 15, 19.

Towns of Watertown and Weston, be allowed and impowred by a Surveyer and Chain Men under Oath to survey & lay out two Thousand Acres of the Unappropriated Lands within this province provided it do not incommode the Settlement of a New Town nor infringe on any former Grant a platt thereof to be returned to this Court in the next Fall session for Confirmation. [*Passed June 6.*]

## CHAPTER 20.

### VOTE RELATING TO THE CONFIRMATION OF A GRANT OF 500 ACRES OF LAND TO JOHN COLLINS.

Legislative  
Records of the  
Council, xiv.,  
64.

House Jour-  
nal, p. 18.  
*Ante*, p. 282,  
chap. 156.  
*Infra*, chap. 21.

THE COMMITTEE appointed by this Court at their Session held in December 1727, to apply to the Governm<sup>t</sup> of the Colony of Connecticut for further Confirmation to this Governm<sup>t</sup> of a certain Tract of Land lying in the North East Part of the Colony afore said formerly laid out to M<sup>r</sup> John Collins of London whose Son & Heir has had the Contents of the like Tract; viz. Five hundred Acres laid out & confirmed in an other Place in lieu thereof; Which first Tract falling on the South side of the present established Line between said Governm<sup>t</sup>s Consequently in said Colony, & for which they have received an Equivalent, having attended the General Assembly of said Colony at Hartford in May last, applied accordingly for Confirmation of said 500 Acres, & have obtained the Order inclosed; And inasmuch as the further Confirmation or Patent from that Governm<sup>t</sup> is not yet perfected, nor can be until the Committee accomplish what they are appointed to in said Order, The Committee would humbly propose whether it be not proper to appoint some Person to receive said Patent, to be given after the said Committee have done the Business appointed them. All which is humbly submitted.

W<sup>m</sup> DUDLEY, By Order & in the Name of the Comm<sup>tee</sup>

Read and Accepted &

*Voted* that John Chandler Esq<sup>r</sup> be fully authorized & impowred by this Court to do anything further necessary in & about the obtaining the effectual Settlement & Confirmation of the said Farm with the Committee appointed by the General Court of Connecticut, & afterwards when that Affair shall be accomplished from the Governor & Secretary, according to the Law of that Colony. [*Passed June 7.*]

## CHAPTER 21.

### RESOLVE ALLOWING £32. 18. 3 TO WILLIAM DUDLEY.

Legislative  
Records of the  
Council, xiv.,  
65.

House Jour-  
nal, p. 18.  
*Supra*, chap. 20.

AN ACCOUNT presented by William Dudley Esq<sup>r</sup> of the Committees Time & Expence in soliciting the Confirmation of the 500 Acres of Land formerly laid out to M<sup>r</sup> John Collins, Amounting to the sum of £32. 18. 3.

[Read and Accepted and]

*Resolved* that the sum of Thirty two Pounds, eighteen shillings & three pence be allowed & paid out of the publick Treasury to William Dudley Esq<sup>r</sup> to be by him repaid to whom it is due in full discharge thereof. [*Passed June 7.*]

## CHAPTER 22.

ORDER ACCEPTING THE COMMITTEES REPORT FOR A REFORM OF  
MAJOR GEN<sup>L</sup> WINTHROP'S PLAT OF LAND NEAR BRIMFIELD.

SAMUEL THAXTER ESQ<sup>R</sup> from the Committee appointed to consider of a Reform of Major General Winthrops Plat of Land laid out to him at Tantinsques, near Brimfield gave in the following Report; viz,

Pursuant to the Order of the Great & General Court above said the Major Part of the Committee repaired to Brimfield, & having carefully viewed the Lands surveyed & platted by John Winthrop Esq<sup>r</sup> called the Lead Mines, & the Land adjoining within the Town of Brimfield are humbly of Opinion that there may be a Reform of that Survey, & that there is a sufficient Quantity of Land adjoining to the Lead Mines to make an Equivalent.

SAM<sup>L</sup> THAXTER,  
THOMAS TILESTONE.

In Council, Read &

*Ordered* that this Report be Accepted, & that Samuel Thaxter Esq<sup>r</sup> with such as the Hon<sup>ble</sup> House of Represent<sup>ves</sup> shall appoint be a Committee to lay out to the Heirs of the late Hon<sup>ble</sup> Wait Winthrop Esq<sup>r</sup> as soon as may be the Contents of four Miles square at Tantinsques, so as to include the Black Lead Mine, & that they steer clear of the Settle<sup>ts</sup> made at Brimfield, That they lay it out in as regular a Figure as may be, So as to make it a full Equivalent to the former Survey both in Quantity & Quality, And the Comm<sup>tee</sup> are directed as well seasonably to leave a Notification at the House of John Winthrop Esq<sup>r</sup> in New London as to notify Thomas Lechnere Esq<sup>r</sup> to be present at said Survey if they see Cause: A Return whereof to be made to the Court for Confirmation: The Charge of said Survey to be born as this Court shall determine.

In the House of Representatives

Read and Concur'd and

*Ordered* That Maj<sup>r</sup> Tilestone & Maj<sup>r</sup> Chandler be Joined in the Affair. [*Passed June 7.*]

Legislative  
Records of the  
Council, xiv.,  
65. Mass.  
Archives,  
xvii., 38.

Mass.  
Archives,  
xvii., 37, 39.  
House Jour-  
nal, p. 24.  
*Ante*, p. 265,  
chap. 113.

## CHAPTER 23.

## ORDER FOR A TOWN MEETING AT FRAMINGHAM.

WHEREAS there happened to be two contending Parties in the Town of Framingham, who in the Month of March last at two Several Meetings made Choice of a Set of Town Officers each, for the Year ensuing, as of Selectmen Town Clerk &c, whereby many & great Difficulties have arisen, & It is to be feared no good Order or Governm<sup>t</sup> can be supported unless some speedy Care be taken to prevent those Disorders; For prevention whereof & to put an end to the said Strife; It is

*Ordered & Resolved* by this Court & the Authority thereof that John Gibbs & Daniel Prat Constables of the Town of Framingham for the Year 1727, be & hereby are authorized, impowred & directed to notify & warn the Freeholders & other Inhabitants of the Town of Framingham qualified to vote, to assemble & convene at the Meeting house in Framingham on Wednesday the twelfth day of June Currant at ten a Clock in the Fore Noon; then & there to chuse a Moderator, Town Clerk, Select men & other Town Officers, which the Law directs to be

Legislative  
Records of the  
Council, xiv.,  
65.

House Jour-  
nal, p. 21.

chosen in March annually; And that Henry Phillips Esq<sup>r</sup> be desired to be present at the said Meeting to take Care that it be duly & orderly managed; And that all the Meetings held by the said Town of Framingham in the Month of March, & all the Proceedings & Votes of each Party, & Meetings & Elections subsequent, be & hereby are declared null Any Law, Usage or Custom to the contrary notwithstanding. [*Passed June 7.*]

## CHAPTER 24.

RESOLVE ALLOWING £17. 2. 8 TO GID. PRAT.

Legislative  
Records of the  
Council, xiv.,  
66.

House Jour-  
nal, p. 22.

AN ACCOMPT presented by Gideon Prat of his time Expence & Horse Hire in bringing down four English Captives redeemed by Cpt. Joseph Kellog from Springfield to Boston, Amounting to the sum of £17. 2. 8. [Read and]

*Resolved* that the sum of Seventeen Pounds two shillings & eight pence be allowed & paid out of the publick Treasury to the said Gideon Prat, to be by him paid to the Persons to whom it is due in full discharge thereof. [*Passed June 7.*]

## CHAPTER 25.

RESOLVE ALLOWING £2. 17 TO WM CUNNINGHAM.

Legislative  
Records of the  
Council, xiv.,  
66.

House Jour-  
nal, p. 18.

AN ACCOMPT presented by William Cunningham Glazier of Work done by him at the Province House, Amounting to the sum of £2. 17. [Read and]

*Resolved* that the sum of Two Pounds seventeen shillings be allowed & paid out of the publick Treasury to the Accomptant William Cunningham in full discharge thereof. [*Passed June 7.*]

## CHAPTER 26.

RESOLVE ALLOWING £10 TO BENJAMIN HEALEY.

Legislative  
Records of the  
Council, xiv.,  
66.

House Jour-  
nal, p. 22.  
*Note*, p. 271,  
chap. 128.

A PETITION of Samuel Healy of Boston, Uncle to Benjamin Healy a Lad lately redeemed from Captivity among the French & Indians, Praying for some Allowance from this Court for the Cloathing of his said Nephew; He being come home almost Naked.

Read &

*Resolved* that the sum of Ten Pounds be allowed & paid out of the publick Treasury to the said John Healy to be by him disposed of in the most prudent manner for cloathing the said Benjamin Healy lately returned from Captivity. [*Passed June 7.*]



## CHAPTER 27.

RESOLVE ALLOWING £3. 5 TO NATH<sup>l</sup> COLLINS.

AN ACCOUNT presented by Nathaniel Collins of Time & Expence in Assisting Cpt. Timothy Dwight in surveying a Tract of Province Land lying near Springfield, Amounting to the sum of £3. 5.

[Read and]

*Resolved* that the sum of Three Pounds five shillings be allowed & paid out of the publick Treasury to Nathan<sup>l</sup> Collins, to be by him paid to whom it is due in full discharge thereof. [*Passed June 7.*]

Legislative  
Records of the  
Council, xiv.,  
66.

House Jour-  
nal, pp. 19, 20.  
*Ante*, p. 212,  
chap. 24.

## CHAPTER 28.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF THE PROPRIETORS OF WAMESECK TO BE MADE A SEPARATE TOWN.

A PETITION of Samuel Hunt, & Samuel Hunt Jun<sup>r</sup> for themselves & the rest of the Proprietors of the Lands called Wameseck or Winthrop's Farm Shewing that their Lands, which adjoin to the Town of Billerica between Pawtucket & Chelmsford Line, are a long way distant from the Place of publick Worship in Billerica so as that few of them are able to attend there with their Families, That they prefer'd their Petition to this Court in the Year 1725, Praying to be set off a separate Town or Precinct, That the Court were then pleased to order that they should serve the Town of Billerica with a Copy that so they might give their Answer thereto, That the Petitioners served the said Town with a Copy, but they have not yet seen good to give any Answer thereto, And therefore Praying that they may be set off a distinct Precinct, or that a Committee may be appointed to view their Lands & Habitations & report their Opinion to this Court what may be proper to be done on this Petition.

In the House of Represent<sup>ves</sup> Read &

*Ordered* that M<sup>r</sup> John Hobson, & Major Quincy with such as shall be appointed by the Hon<sup>ble</sup> Board be a Committee at the Charge of [the]<sup>1</sup> Petitioners to repair as soon as may be, as well to the Lands petitioned for to be erected into a Precinct as to the Town of Billerica that they carefully view & consider the Situation & Circumstances of the Petitioners, & their Distance from the Meeting house in Billerica, & also how far the said Town may be affected by granting the Prayer of the Petition, & that at the next Session of this Court, they report their Opinion of what may be proper for the Court to do in Answer thereto. In Council, Read & Concur'd, & Spencer Phips Esq<sup>r</sup> is joined in the Affair. [*Passed June 7.*]

Legislative  
Records of the  
Council, xiv.,  
67.

House Jour-  
nal, p. 21.  
Province  
Laws, x., 696,  
chap. 334.

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 75.

## CHAPTER 29.

## ORDER IMPOWERING THE FEOFFEEES OF ROXBURY FREE SCHOOL TO SELL LAND.

Legislative  
Records of the  
Council, xiv.,  
67.

House Jour-  
nal, p. 22.

A PETITION of Paul Dudley Esq<sup>r</sup> & others, feoffees in Trust for the Free School in Roxbury, Shewing that there is among other Lands belonging to the said School a small Piece of Pasture Land containing about ten Acres, lying some what inconveniently (it being encompassed all round by Lands belonging to divers Persons,) the Annual Rent of which is no more than fifty shillings, & not likely to rise, & one of the Neighbours is desirous to purchase it, & the Feoffees are in hopes it will fetch at least One hundred & twenty Pounds; And therefore Praying that they may have Leave & Authority from this Court to make Sale of the said Piece of Land, they obliging themselves & their Successors to apply the Income of the Money so to be raised for the sole Use of the School as the rest of the Land is.

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the Petitioners be authorized & empowered to make Sale of the Land mentioned in the Petition, the Money to be produced by the said Sale to [be]<sup>1</sup> invested in some other real Estate for the Use of the Free School in the Town of Roxbury. [*Passed June 7.*]

## CHAPTER 30.

## ORDER IMPOWERING DANIEL ADAMS AND OTHERS TO SELL LANDS.

Legislative  
Records of the  
Council, xiv.,  
67.

House Jour-  
nal, p. 20.

A PETITION of Daniel Adams, Joseph Adams & John Robins, Shewing that Roger Adams late of Brooklyn Dec<sup>d</sup> left three Tracts of Land in & by his last Will & Testament to the said Daniel lying in Woodstock, Cambridge & Newton; which the Petitioners judge convenient to be sold in order to their purchasing for the said Daniel Adams. Part of his Fathers Homestead lying adjacent to the said Daniels Land in Brooklyn; And foras much as the said Daniel is on the Account of some Disability restrained by his Fathers Will from disposing of any of his Lands; Therefore Praying that they may be empowered by this Court to sell the said Lands lying in Woodstock Cambridge & Newtown in order to purchase the Residue of the said Homestead for the said Daniel, w<sup>ch</sup> will be of greater benefit to him & his Children.

Read &

*Ordered* that the Prayer of the Petition be granted, And the Petitioners are enabled to make Sale of the said Lands in Woodstock Newtown & Cambridge accordingly; Provided they invest the Proceeds thereof in purchasing so much as the same will purchase of the Homestead of the said Roger Adams, next adjoining to that Part of the Estate of the said Daniel Adams which he is seized of for the Use of him the said Daniel Adams & his Children. Provided also that William Dudley Esq<sup>r</sup> & M<sup>r</sup> Samuel White be present at the Sale of the said three Parcels of Land (as they are hereby desired to be) & see that they be sold to the best Advantage, & that the Proceeds thereof be also invested in the Purchase above mentioned to be made as reasonably as the same can be obtained. [*Passed June 7.*]

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 75.

## CHAPTER 31.

### VOTE ALLOWING £15 TO CPT. JOHN FOSTER.

AN ACCOUNT presented by Cpt. John Foster of Disbursements of £15 granted by the General Court in the Year 1724,<sup>1</sup> for repairing the Bridge on Patucket River & put into the said Fosters Hands.

Legislative  
Records of the  
Council, xiv.,  
68.

Read & Accepted, &

*Voted* that the Accountant Cpt. John Foster be & hereby is discharged of the said Sum of Fifteen Pounds accordingly. [*Passed June 7.*]

House Jour-  
nal, p. 22.  
Province  
Laws, x., 624,  
chap. 125.

## CHAPTER 32.

### ORDER DIRECTING TREASURER TO FURNISH STORES TO CASTLE W<sup>m</sup>.

AN INDENT presented by William Barnsdale Master Gunner of Castle William of sundry Stores necessary there.

Legislative  
Records of the  
Council, xiv.,  
69.

Read &

*Ordered*<sup>2</sup> that M<sup>r</sup> Treasurer be directed to furnish the within mentioned Stores accordingly, Taking a Receipt therefor. [*Passed June 8.*]

House Jour-  
nal, p. 20.

## CHAPTER 33.

### RESOLVE ALLOWING £50 TO M<sup>r</sup> JABEZ ATHERN FOR THE SELECTMEN OF TISBURY.

A PETITION of the Town of Tisbury on the Island of Marthas Vineyard, Shewing their Poverty & Inability to support the Ministry among them, Praying for some Assistance from this Court.

Legislative  
Records of the  
Council, xiv.,  
70.

Read [and Accepted] &

*Resolved* that the sum of Fifty Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Jabez Athern to be by him paid to the Selectmen of the Town of Tisbury, & be by them used & disposed of for the Ministerial Use within mentioned. [*Passed June 8.*]

House Jour-  
nal, p. 24.

## CHAPTER 34.

### ORDER IMPOWERING JAMES & JOHN SPEEN TO SELL LAND.

A PETITION of James Speen & John Speen his Son both of Natick Indians, Shewing that at the Court of General Sessions of the Peace holden for the County of Suffolk in April last they gave Bond to D<sup>r</sup> Zabdiel Boylston for the Payment of Forty three Pounds to save James Speen Jun<sup>r</sup> Son of the afore said James from the Fine & Costs he had incur'd by stealing D<sup>r</sup> Zabdiel Boylstones Horse & Taekling, Praying that they may be empowered by an Order of this Court to sell so much of their common Land in Natick as will discharge the said Bond, & answer the Charge that will arise upon the Sale thereof.

Legislative  
Records of the  
Council, xiv.,  
70.

House Jour-  
nal, p. 18.

<sup>1</sup> *Quare*, 1725? See Province Laws, x., 624, chap. 125.

<sup>2</sup> The House Journal reads, "*Resolved.*"

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petitioners be accordingly impowered & allowed to make Sale of their Interests in the common Lands in Natick in a sum not exceeding Fifty Pounds to the highest Bidder. And Cpt. Edward Goddard & M<sup>r</sup> John Death be desired to see that Justice be done to the Indians in the Sale of the said Land that it be not under sold & that they also take Care to have the Bond within mentioned paid & discharged, & also to satisfy themselves for their trouble & time herein, & that they pay the Remainder of the Money to the Petitioners. [*Passed June 10.*]

## CHAPTER 35.

ORDER THAT THE COMMITTEE ON THE SALE OF OYSTER ISLAND PROCEED WITH THE AFFAIR.

Legislative  
Records of the  
Council, xiv.,  
70.

House Jour-  
nal, p. 29.  
*Ante*, p. 260,  
chap. 99.

ON THE PETITION of the Indian Proprietors of Oyster Island [*ante*, p. 260, chap. 99]

The Committee above mentioned not having a good Opportunity of making Sale of Oyster Island, & being desirous of further Time for the said Affair;

*Ordered* that the said Committee proceed in the said Affair with all convenient Speed, & make Report to this Court thereon. [*Passed June 10.*]

## CHAPTER 36.

ORDER OF NOTICE ON THE PETITION OF SAM<sup>l</sup> HATCH & OTHERS TO BE SET OFF FROM SCITUATE.

Legislative  
Records of the  
Council, xiv.,  
70.

House Jour-  
nal, pp. 23, 29.

A PETITION of Samuel Hatch & six others Inhabitants of a small Part of the Town of Scituate on the Southerly side of the River called North River on the Southerly end of the Lands commonly called the Two miles Setting forth their great difficulties by reason of their remote distance from the Place of publick Worship in said Town, & that they have no benefit by the School there, tho they pay their proportion for the Support of it, And Praying that they may be set off from the Town of Scituate & annexed to the Town of Pembroke: Which Petition was accompanied by one from the Town of Pembroke, Praying to y<sup>e</sup> same Effect.

In the House of Represent<sup>ves</sup> Read &

*Ordered* that the Petitioners serve the Town of as well as the upper Precinct in Scituate with a Copy of these two Petitions, that they shew cause on Fryday the fourteenth of June Currant why the Prayer thereof should not be granted.

In Council; Read & Concur'd with the Amendm<sup>t</sup> viz, That the Answer be given in on the first Fryday of the next Fall Session.<sup>1</sup> [*Passed June 11.*<sup>2</sup>]

<sup>1</sup> No concurrence with this amendment is here recorded, but the House Journal, p. 29, states that the amendment was concurred in. The fact is implied in the record here printed by the addition of the Governor's consent.

<sup>2</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is June 10.

## CHAPTER 37.

## VOTE FOR CELEBRATING HIS MAJESTYS ACCESSION TO THE THRONE.

THIS being the Anniversary of His Majestys happy Accession to the Throne of Great Britain ; And the Great & General Court of this Province being now convened ;

*Voted* that it is the Unanimous Desire of this House that the Court may express their Duty & Loyalty to his Majesty & the whole Royal Family, And therefore propose the Court house as a proper Place for the Court to express them selves on this joyful occasion at three a Clock this Afternoon. [*Passed June 11.*]

Legislative  
Records of the  
Council, xiv.,  
71.

Legislative  
Records of the  
Council, xiii.,  
400. House  
Journal, p. 27.

## CHAPTER 38.

## ORDER IMPOWERING EDWARD BELCHER TO BRING FORWARD AN ACTION OF REVIEW.

ON THE PETITION of Edward Belcher [*ante*, p. 263, chap. 107]

*Ordered* that the Prayer of the Petition be granted, & that the Petitioner be & hereby is impowered & enabled to bring forward his Action of Review accordingly at the Inferior Court of Common Pleas to be held at Boston in & for the County of Suffolk in October next ; And the Justices of the said Court are impowered & directed to hear & determine the said Action, enter up Judgment & award Execution accordingly ; Any Law Usage or Custom to the contrary notwithstanding. [*Passed June 11.*]

Legislative  
Records of the  
Council, xiv.,  
71.

House Jour-  
nal, p. 25.  
*Ante*, p. 263,  
chap. 107.

## CHAPTER 39.

## VOTE FOR REPAIRS AT THE CASTLE WILLIAM.

A MEMORIAL of John Larrabee Lieuten<sup>t</sup> of his Majestys Castle William, Setting forth that it is a considerable time since there has been a Committee of the General Court appointed to view the Works there, which by the late violent Storms have suffered much, especially at the East Head ; And as the extending the South Wharf further on the Flats will be of great Advantage for the better landing of Wood & other Supplies for the Garrison & a Security to the Boats in bad Weather, Therefore Proposing that this Court would proceed in the Premisses as in their Wisdom they shall judge fit.

Read [and Accepted] & In answer to this Memorial

*Voted* that the Posts or Spiles at the East Head, which are fixed to defend the Island from being washed away in Storms & bad Weather, being many of them torn up by the late violent Storm, & gone to Decay be forthwith repaired ; & that the South Wharf be extended further on the Flats about fifty or sixty feet, which is what is necessary to accomodate Vessels in landing Wood & other Supplies for the Garrison, it being now very difficult to come at the Wharf by reason the same is banked up by the Wash of the Sea, so that Vessels cannot come within several feet of the same, which occasions much Trouble and Difficulty in landing any thing thereon, as it is at present, and may also be a Security in mooring the Boats<sup>1</sup> from the Injuries of the Weather, that the Stone

Legislative  
Records of the  
Council, xiv.,  
71.

House Jour-  
nal, pp. 20, 28.  
Province  
Laws, x., 300,  
chap. 32.

<sup>1</sup> This word is from the State Library copy, Legislative Records of the Council, xiv., 80 ; in the Secretary's copy the word is "Votes."

Work of the upper Fort which is much gone to decay be forthwith pointed, & instead of the Coping on the Walls, w<sup>ch</sup> were most of them blown away in the late Storm, that the Tops of the Walls be pointed with Lime, which will be of security for the same; And the best Method for effecting these Repairs; And M<sup>r</sup> Thomas Cushing & Major Tilestone be impowered to see that the above Repairs be done & compleated as soon as may be; And that his Honour the Lientenant Governor be desired to give his Orders that Lieut. John Larrabee, the Commanding Officer at the Castle be assisting in the Repairs & that the Committee lay an Account of the Charge of this Affair before the Court. [*Passed June 11.*]

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## CHAPTER 40.

RESOLVE ALLOWING £46. 10 TO BARTH. GREEN AND SAM<sup>l</sup> KNEELAND.

Legislative  
Records of the  
Council, xiv.,  
72.

House Jour-  
nal, p. 27.

AN ACCOUNT of Bartholemew Green & Samuel Kneeland of Paper & Printing the Votes of Represent<sup>ves</sup> for the last Session, beginning the 22<sup>d</sup> of Novem<sup>r</sup> 1727, & ending the 21<sup>st</sup> of February following, Amounting to the sum of £46. 10.

[Read and]

*Resolved* that the sum of Forty six Pounds ten shillings be allowed & paid out of the publick Treasury to the Accomptants Bartholemew Green & Samuel Kneeland in full discharge thereof. [*Passed June 11.*]

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## CHAPTER 41.

RESOLVE ALLOWING £40. 12 TO BARTH. GREEN.

Legislative  
Records of the  
Council, xiv.,  
72.

House Jour-  
nal, p. 27.

AN ACCOUNT presented by Bartholemew Green of Paper & Printing Proclamations, Impost & Tax Acts, Writs for Calling a General Assembly, Treasurers Warrants &c, Amounting to the sum of £40. 12.

[Read and]

*Resolved* that the sum of Forty Pounds twelve shillings be allowed & paid out of the publick Treasury to the Accomptant Bartholemew Green in full discharge thereof. [*Passed June 11.*]

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## CHAPTER 42.

ORDER ERECTING A PRECINCT AT ANASQUAM.

Legislative  
Records of the  
Council, xiv.,  
72.

House Jour-  
nal, pp. 27, 28.

A PETITION of John Lane & divers others Inhabitants of Anasquam being the Northern Part of the Town of Glocester, Shewing that being under great difficulties as to their Attendance on the public Worship of God in said Town they have now built a Meeting house & agreed with a Minister to settle among them; & having requested of the said Town their Consent to their being set off a separate Parish, the Town voted to set them off so far Southerly as the South west side of Pidgeon Hill Pasture, thence Westerly on a Line to the Bridge over the Brook that is on the Southerly side of the House of John Tucker Jun<sup>r</sup> thence by the said Brook as it leadeth to the Cove called Goose Cove, & by said Cove to Anasquam River Praying the Confirmation of this

Court of the said Vote, & that they may be set off a separate Precinct accordingly.

Read &

*Ordered* that the Prayer of the Petition be granted; And the Petitioners with their Families & all the Lands contained within the Limits set forth herein be & hereby are erected into a separate & distinct Precinct & endowed with equal Powers, Privileges & Immunities with any other Precinct within this Province; & Samuel Sergeant one of the Petitioners & a principal Inhabitant therein is authorized & impowered to assemble the said Inhabitants to chuse Precinct Officers, to stand until the next annual Election. [*Passed June 11.*]

## CHAPTER 43.

### VOTE DISCHARGING THE TREAS<sup>R</sup> ON HIS GEN<sup>L</sup> ACC<sup>T</sup>s.

THE ACCOMPT of Jeremiah Allen Esq<sup>r</sup> Treasurer & Receiver General of the Province of the Massachusetts Bay in New England, beginning May 31. 1727, & ending May 31. 1728, Amounting to the sum of Two hundred & eighteen thousand four hundred & four pounds nine shillings & nine pence, having been presented & laid before the House of Representatives & inspected by said House; By which it appears that there was outstanding the thirty first day of May 1728, Five thousand five hundred eighty nine Pounds five shillings & eleven pence of the Taxes, Twenty seven thousand nine hundred ninety one Pounds ten shillings of the £50,000 Loan, Fifty five thousand two hundred eighty one Pounds of the £60,000 Emission granted by the General Court at their Session in Novem<sup>r</sup> 1727, & Thirty thousand eight hundred, & eleven Pounds fourteen shillings & six pence, Neet Province Bills further to be accounted for:

[Read and]

*Voted* That the said Accompts in the Several Articles and payments therein mentioned Amounting to the Sum of Ninety Eight thousand Seven hundred and thirty pounds, Nineteen shillings and four pence be and hereby are allowed off, and the said Treasurer is hereby discharged of the said Sum of Ninety Eight Thousand Seven hundred and thirty pounds Nineteen shillings & four pence accordingly. [*Passed June 11.*<sup>1</sup>]

## CHAPTER 44.

### ORDER ACCEPTING THE ACC<sup>T</sup> OF THE TREAS<sup>R</sup> OF THE CO. OF SUFFOLK.

AN ACCOMPT presented by Samuel Checkley Esq<sup>r</sup> Treasurer of the County of Suffolk; Having been by him laid before the Court of General Sessions of the Peace for said County, & by them Allowed;

Read & Accepted &

*Ordered* that this Accompt be Allowed. [*Passed June 12.*]

Legislative  
Records of the  
Council, xiv.,  
75. Mass.  
Archives,  
cxxxiii., 364.

House Jour-  
nal, pp. 17, 24.

Legislative  
Records of the  
Council, xiv.,  
73.

House Jour-  
nal, p. 29.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 12.

## CHAPTER 45.

VOTE ORDERING THE TOWN OF BRIMFIELD TO PAY £7. 10 TO THE TANTINSQUE COMMITTEE.

Legislative  
Records of the  
Council, xiv.,  
73.House Jour-  
nal, p. 29.  
*Ante*, p. 307,  
chap. 22.

AN ACCOMPT presented by Samuel Thaxter Esq<sup>r</sup> of the Time & Expence of the Committee in viewing Major General Winthrops Survey of Tantinsques in Order to a Reform, Amounting to the sum of £7. 10.

Read &amp;

*Voted* that the Accompt be allowed & that the Town of Brimfield be & hereby are ordered & directed to pay to the Accomptants the sum of Seven Pounds ten shillings in full Discharge thereof. [*Passed June 12.*]

## CHAPTER 46.

VOTE ORDERING SALE OF THE BEVER LEFT IN M<sup>r</sup> SCAMMONS'S HANDS BY THE INDIANS.Legislative  
Records of the  
Council, xiv.,  
73.House Jour-  
nal, p. 30.  
*Infra*, chap. 47.

WHEREAS a Party of Indians some time about the Month of October 1726, killed an Ox belonging to M<sup>r</sup> John Storer of Wells, part of which was found upon them, & for which they have made Satisfaction in part by lodging a Parcel of Bever at M<sup>r</sup> Humphrey Scammons at Biddeford;

*Voted* that M<sup>r</sup> Treasurer Allen be directed to send for the said Bever & sell it to the best advantage; And that a Message be sent to his Honour the Lienten<sup>t</sup> [Govern<sup>r</sup>]<sup>1</sup> to desire he would use his Influence with the Norridgewock Chiefs that the said Indians (to which Tribe they belong) may be obliged to make full satisfaction for said Ox, for which this Province has paid Eleven Pounds. [*Passed June 12.*]

## CHAPTER 47.

RESOLVE ALLOWING £11 TO JOHN STORER.

Legislative  
Records of the  
Council, xiv.,  
74.House Jour-  
nal, p. 30.  
*Supra*, chap.  
46.

A PETITION of John Storer, Shewing that in the Year 1726, some of the Eastern Indians killed an Ox belonging to the Petitioner, for which he was offered Eleven Pounds a short time before he was killed that he has had no Satisfaction for the same, altho the Governor has pressed them thereto, & they seemed willing at the Conference to comply. Praying that this Court would allow him Eleven Pounds for the said Ox.

Read &amp;

*Resolved* that the sum of Eleven Pounds be allowed & paid out of the publick Treasury to the Petitioner M<sup>r</sup> John Storer in full discharge thereof. [*Passed June 12.*]

## CHAPTER 48.

ORDER ACCEPTING THE ACC<sup>t</sup> OF THE CO. TREAS<sup>r</sup> OF BRISTOL.Legislative  
Records of the  
Council, xiv.,  
74.

AN ACCOMPT presented by Cpt. William Throop Treasurer of the County of Bristol for the last Year, Having been laid before the

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 82.



Court of General Sessions of the Peace for the said County & by them allowed ;

Read & Accepted, &

*Ordered* that this Account be allowed. [*Passed June 12.*]

## CHAPTER 49.

### RESOLVE ALLOWING £4 TO RICH<sup>d</sup> HAZZEN.

AN ACCOUNT presented by Richard Hazzen Jun<sup>r</sup> of Time & Expence in waiting upon his Honour the Lieuten<sup>t</sup> Governor to receive his Commands for surveying the Boundaries of the Province of Mayn according to the Projection of the General Court &c, Amounting to the sum of £4.

[Read and]

*Resolved* that the sum of Four Pounds be allowed & paid out of the publick Treasury to Richard Saltonstal Esq<sup>r</sup> to be by him paid to the said Richard Hazzen Jun<sup>r</sup> in full discharge thereof. [*Passed \* June 12.*]

Legislative  
Records of the  
Council, xiv.,  
74.

Executive  
Records of the  
Council, ix.,  
63. House  
Journal, p. 30.  
*Ante*, p. 283,  
chap. 158.

## CHAPTER 50.

### RESOLVE ALLOWING £17. 16. 7 TO THE TAUNTON COMMTEE TO BE PAID TO THE TOWN OF TAUNTON.

AN ACCOUNT presented by Nathaniel Byfield Esq<sup>r</sup> of the Time & Expence of the Committee of the General Court, appointed to view the Town of Taunton &c, Amounting to the sum of £26. 11. 7.

Read &

*Voted* that five shillings per Diem be struck off from the first Article of Charge of Fifteen shillings per Diem, which reduces to £12. 10 The second Article of Fifty shillings for Coll. Byfields Man & Horse not allowed ; And

*Resolved* that the sum of Seventeen Pounds sixteen shillings seven pence only be allowed, & that the same be paid by the Town of Taunton to Nathaniel Byfield Esq<sup>r</sup> for him self & the rest of the Committee. [*Passed June 12.*]

Legislative  
Records of the  
Council, xiv.,  
74.

House Jour-  
nal, p. 65 (Jan-  
uary, 1727) ;  
p. 11. *Ante*, p.  
300, chap. 6.

## CHAPTER 51.

### ORDER IMPOWERING THO. PEGAN TO MAKE A SALE OF LAND.

A PETITION of Thomas Pegan of Natick Indian Planter, Shewing That he has raised the Frame of a House for his more comfortable Living in his old Age, but is not capable to carry on & finish it without selling some of his Land, And therefore Praying for Liberty to sell six Acres of Swamp Land in the Commons of the said Town belonging to him, which is of no great Use to him as it lies.

Read &

*Ordered* that the Prayer of the Petition be granted ; & the Petitioner is allowed & impowered to make Sale of the said six Acres of Land accordingly ; And M<sup>r</sup> John Death is desired to see that Justice be done to the said Thomas Pegan in the Sale of the Land, & that it be not

Legislative  
Records of the  
Council, xiv.,  
75.

House Jour-  
nal, p. 30.

undersold, & that the Produce thereof be by him disposed of in the most prudent way & method for finishing the said Pegans House. [*Passed June 12.*]

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## CHAPTER 52.

ORDER ALLOWING ISRAEL RUMNEY MARSH TO MAKE AN EXCHANGE OF LAND.

Legislative  
Records of the  
Council, xiv.,  
75.

House Jour-  
nal, pp. 30, 31.

A PETITION of Israel Rumney Marsh of Natick Indian Planter Praying that he may be allowed to exchange twenty Acres of Land, which is remote from him for six Acres of Meadow Land belonging to Eleazar Fairbanks Jun<sup>r</sup> of Sherburn which is choice Land & lies adjoining to his own Homestead & will be very beneficial to him.

Read &

*Ordered* that the Prayer of the Petition be granted, & that Mess<sup>rs</sup> John Death & Josiah Kingsberry be desired to see that the said Eleazar Fairbanks pay so much as they shall judge indifferently the twenty Acres to be worth more than the six; & that they be also impowered & desired to pay the same to the said Israel Rumney marsh as his necessities call for it. [*Passed June 12.*]

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## CHAPTER 53.

RESOLVE ALLOWING PAYMENT ON CASTLE WILLIAM MUSTER ROLL.

Legislative  
Records of the  
Council, xiv.,  
77.

House Jour-  
nal, p. 33.

A MUSTER ROLL of the Company in his Majestys Service at Castle William under the Command of the Hon<sup>ble</sup> William Dummer Esq<sup>r</sup> Containing an Account of Wages due to the said Garrison for their Service from the 20<sup>th</sup> of Novem<sup>r</sup> 1727, to the 19<sup>th</sup> of May 1728, Amounting to the Sum of £527. 7.

[Read and Accepted and]

*Resolved* that the sum of Five hundred & twenty six Pounds fifteen shillings<sup>1</sup> be allowed & paid out of the publick Treasury to the Hon<sup>ble</sup> William Dummer Esq<sup>r</sup> & the other Officers & Soldiers born on this Roll, to whom the same is due in full Discharge thereof. [*Passed June 13.*]

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## CHAPTER 54.

VOTE FOR MAKING £10,000 IN BILLS OF CREDIT.

Legislative  
Records of the  
Council, xiv.,  
77.

House Jour-  
nal, p. 31.  
Province  
Laws, ii., 487.

*Resolved* that the Committee that made the last Bills be & hereby are directed to print off & finish as soon as may be the sum of Ten thousand Pounds from the Plate of the middle Denomination, & deliver the same when finished to the Treasurer of this Province, taking his Receipt for them, The said Committee to be paid for that service as for the Bills last made, & the Bills to be issued out as this Court shall order. [*Passed June 13.*]

<sup>1</sup> The House Journal reads, £527. 5. 9.

## CHAPTER 55.

RESOLVE ALLOWING PAYMENT OF CPT: JOS. HEATHS MUSTER ROLL  
& ACC<sup>t</sup>.

A MUSTER ROLL of the Company in his Majestys Service at Richmond Fort under the Command of Cpt. Joseph Heath, Containing an Accompt of Wages due to them for their Service from Decem<sup>r</sup> 21. 1727, to June 12. 1728, Amounting to the sum of £369. 17. 7 together with an Accompt of the Charge of building a Gundaloe according to Order for the Service of the said Fort, Amounting to the sum of £16. 11. 5.

Legislative  
Records of the  
Council, xiv.,  
77.

House Jour-  
nal, p. 97 (Jan-  
uary, 1727);  
p. 33.

[Read and Accepted and]

*Resolved*, that the sum of Three hundred & sixty nine Pounds seventeen shillings & seven pence be allowed & paid out of the publick Treasury to Cpt. Joseph Heath, to be by him paid to the Officers & Soldiers born on this Roll to whom the same is respectively due in full discharge thereof, And that the further sum of Sixteen Pounds eleven shillings & five pence be allowed & paid out of the publick Treasury to Cpt. Joseph Heath in full for the Gundaloe by him lately built for the Service of the Province. [*Passed June 13.*]

## CHAPTER 56.

VOTE CONFIRMING 500 ACRES OF LAND TO CPT. JOHN KING.

A PETITION of Cpt. John King of Taunton, Shewing that in the Year 1721, he purchased a Tract of Land, containing Five hundred Acres of one Haskell lying in the Town of Killingsly in the Colony of Connecticut which has since proved to be the Five hundred Acres formerly laid out by this Court to satisfy a Grant to M<sup>r</sup> John Collins, but now of right belongs to the Province; And forasmuch as the Petitioner has laid out in Buildings & other Improvem<sup>ts</sup> Five hundred Pounds, & the said Haskell of whom he purchased is unable to respond the Damages, Therefore Praying that he may be allowed to purchase the Right of the Province to the said Lands at a moderate Rate.

Legislative  
Records of the  
Council, xiv.,  
77. Mass.  
Archives,  
cxliiii., 29.

Mass.  
Archives,  
cxliiii., 29.  
House Jour-  
nal, p. 31.  
*Ante*, p. 306,  
chap. 20.

Read and in Answer to this Petition

*Voted* that there be and hereby is given granted & Confirmed to the said John King his Heirs and assigns for Ever to have and to hold All the Right Title Interest and Estate of this province which they have or ought to have in and unto the Five hundred Acres of Land above mentioned upon his the said John King's paying into the province Treasury the Sum of One hundred & Fifty pounds. [*Passed June 13.*]

## CHAPTER 57.

RESOLVE HOLDING TREASURER TO ACCOUNT FOR £6,059. 3. 2.

AN ACCOMPT presented by M<sup>r</sup> Treasurer Allen of the Peltry Trade with the Eastern Indians from the 15<sup>th</sup> of Novem<sup>r</sup> 1727, to the 19<sup>th</sup> of May 1728, The Stock in the Treasurers Hands being £6,059. 3. 2.

Legislative  
Records of the  
Council, xiv.,  
78.

Read &amp; Accepted, &amp;

*Resolved* that the sum of Six thousand & fifty nine Pounds three shillings & two pence the Treasurer is further to account for. [*Passed June 13.*]

House Jour-  
nal, pp. 17, 24.

## CHAPTER 58.

RESOLVE ALLOWING PAYMENT ON THE MUSTER ROLL OF THE GARRISON AT BRUNSWICK, AND A FURTHER SUM OF £5 TO BENJAMIN LARRABEE.

Legislative  
Records of the  
Council, xiv.,  
78.

House Jour-  
nal, p. 33.

A MUSTER ROLL of the Garrison at his Majestys Fort George at Brunswick under the Command of Cpt. Benjamin Larrabee, Containing an Accompt of Wages due to them for their service from the 16<sup>th</sup> of January 1727, to the 10<sup>th</sup> of June 1728, Amounting to the sum of £139. 10. 10.

And an Accompt of Wood provided by the said Benjamin Larrabee for the said Fort, Amounting to the sum of £5 Together with an Accompt presented by Cpt. William Woodside the former Commander, of the Carriage of Wood & Stores to the said Fort, Amounting to the sum of £4. 5.

[Read and Accepted and]

*Resolved* that the sum of One hundred thirty seven Pounds sixteen shillings & nine pence be allowed & paid out of the publick Treasury to the said Benjamin Larrabee, to be by him paid to the Officers & Soldiers born on this Roll to whom the same is respectively due in full discharge thereof; And that the further sum of Four Pounds five shillings be allowed & paid out of the publick Treasury, to be by him paid to William Woodside in full for transporting Stores to the Garrison at Brunswick; And further that the sum of Five Pounds be allowed & paid out of the publick Treasury to the said Benjamin Larrabee in full for providing Wood for the Use of the Garrison. [*Passed June 13.*]

## CHAPTER 59.

RESOLVE ALLOWING £73. 14. 1 FOR THE REPAIRS AT CASTLE WILLIAM.

Legislative  
Records of the  
Council, xiv.,  
79.

House Jour-  
nal, pp. 28, 33.

AN ACCOMPT presented by Lient. John Larrabee of sundry Repairs at his Majestys Castle William, Amounting to the sum of £73. 14. 1.

[Read and]

*Resolved* that the sum of Seventy three Pounds fourteen shillings<sup>1</sup> be allowed & paid out of the publick Treasury to the said John Larrabee, to be by him paid to the Persons to whom it is respectively due in full discharge thereof. [*Passed June 13.*]

## CHAPTER 60.

ORDER IMPOWERING DEB. ROBBIN TO BRING AN ACTION.

Legislative  
Records of the  
Council, xiv.,  
76.

House Jour-  
nal, p. 38.

A PETITION of Deborah Robin an Indian Woman of Harwich, Setting forth that her Uncle Paul Noose in the Year 1709, by a good Deed of Gift, gave to her & her Heirs & Assigns forever ten Acres of Land in the Island of Nantucket, & afterwards one Bariah Broadbroke of Harwich sold to the Petitioner & her Husband Samuel Robin ten Acres of Upland in Harwich aforesaid by way of Exchange for the first mentioned ten Acres; Which Deed of the said Broadbroke is not made to her & her Heirs as it ought to have been, but her Husbands Name is therein

<sup>1</sup> The House Journal reads, £73. 14. 1.

artfully inserted, That one Jonathan Small hath illegally entered upon & taken possession of the said Land at Harwich, & utterly refuses to deliver it up, altho he hath no manner of Right to the same, And the Petitioners Husband hath many years ago forsaken her & married two other Wives, & refuses to join with her in an Action for the Recovery of her Right; And therefore Praying that she may be empowered by this Court to bring her Action of Trespass & Ejectment for the Recovery of the Premises in her own Name.

Read &

*Ordered* that the Petitioner be & hereby is empowered to bring forward, & to prosecute to Effect in the Law in her own Name an Action for Recovery of the ten Acres of Land in Harwich mentioned in the Petition at the Courts in the County of Barnstable (in which the Land lies,) the Land if recovered to be for the Use and Behoof of those to whom of right it belongs; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed June 14.*<sup>1</sup>

## CHAPTER 61.

### RESOLVE FOR EMITTING £16,000 IN BILLS OF CREDIT.

*Resolved* that the Treasurer be & hereby is empowered & directed to issue forth & emit the sum of Sixteen thousand Pounds in Bills of Credit on this Province for the necessary Support & Defence of this Government & the Protection & Preservation of the Inhabitants thereof; The said Sixteen thousand Pounds being already in the hands of the Treasurer, & received for Taxes, Impost &c, to be issued out & disposed of by Warrant under the hand of the Lieut. Governor or Commander in Chief for the time being with the Advice & Consent of the Council; Fifteen thousand five hundred Pounds whereof shall be applied for the Uses, Intents & Purposes in this Resolve hereafter expressed; viz, For the Payment of all Grants, Premiums, Stipends established by Law; for the defraying & paying the Charges of Castle William, & the other Forts & Garrisons, Transports, Muster Rolls of Soldiers & Sailors, Allowances &c, and all other Accompts of Charges allowed & pass'd on for Payment by this Court: And that the sum of Five hundred Pounds being the Residue & remaining Part of the said Sixteen thousand Pounds shall be applied for the Payment of Expresses dispatched in the Service of this Government in the Recess of this Court, together with all necessary unforeseen Charges that demand prompt payment, which shall arise in the Recess of this Court as afore said; Provided always that the several Draughts made upon the Treasurer as afore said express & declare out of which of the two several sums afore mentioned the Money is to be paid: And the said Bills shall pass out of the Treasury at the Value therein expressed equivalent to Money, & shall be so taken & accepted in all publick Payments: And the Duties of Impost & Excise together with all the other publick Incomes shall be a Fund & Security for the Payment & Drawing in the said Bills into the Treasury again so far as the same will reach; And as a further Fund & Security for the same,

Legislative  
Records of the  
Council, xlv.,  
80.

House Jour-  
nal, p. 35.  
Province  
Laws, II., 523.

It is further

*Resolved* that there be & hereby is granted unto his most Excellent Majesty for the Ends & Uses aforesaid, & for no other Ends & Uses whatsoever a Tax of Sixteen thousand Pounds upon Polls & Estates

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is June 12.

both real & personal within this Province according to such Rules & in such Proportion upon the several Towns & Districts within the same as shall be agreed upon & Ordered by the Great & General Court or Assembly of this Province at their Session in May One thousand seven hundred & thirty eight and paid into the publick Treasury on or before the last Day of December next after. [*Passed June 14.*]

## CHAPTER 62.

### RESOLVE ALLOWING £12 TO CORNELIUS HALL.

Legislative  
Records of the  
Council, xiv.,  
82.

House Jour-  
nal, p. 35.  
*Ante*, p. 163,  
chap. 72.

A PETITION of Cornelius Hall Praying for some further Allowance from this Court in consideration of his being shot in the Leg during his being in the Service Eastward by which wounds he is in a great measure rendered unable to labour for his support

Read & In answer to this Petition,

*Resolved* that the sum of Twelve Pounds be allowed & paid out of the publick Treasury to the Petitioner Cornelius Hall in consideration of his Loss of time occasioned by his Wound received in his Majestys Service as within mentioned. [*Passed June 14.*]

## CHAPTER 63.

### VOTE APPOINTING A COMMITTEE TO SELL PROVINCE LAND NEAR MAN- CHAUG POND.

Legislative  
Records of the  
Council, xiv.,  
82.

House Jour-  
nal, p. 34.  
*Ante*, p. 153,  
chap. 46.

ON THE PLAT of 234 Acres of Province Land lying near Manchaug Pond & Farm & the Town of Sutton, surveyed by John Chandler Esq<sup>r</sup>

In the House of Represent<sup>ves</sup> Read &

*Voted* that William Dudley Esq<sup>r</sup> & M<sup>r</sup> Lewis with such as shall be appointed by the Hon<sup>ble</sup> Board, be a Committee in the Name of this Court to make Sale of the said Land to the highest Bidder at the House of M<sup>rs</sup> Rebecca Holmes, the Committee to give convenient publick Notice of the Time & Place of Sale; And that they be & hereby are impowered to execute a good Deed or Deeds of Conveyance of the Premisses; The Produce thereof to be returned into the publick Treasury.

In Council; Read & Concur'd; And Nathaniel Byfield Esq<sup>r</sup> is joined in the Affair. [*Passed June 14.*]

## CHAPTER 64.

### ORDER ALLOWING PAYMENT OF £13. 1. 8 TO JOSEPH HAWLEY CO. TREAS<sup>R</sup> OF HAMPSHIRE.

Legislative  
Records of the  
Council, xiv.,  
83.

House Jour-  
nal, p. 37.  
Province  
Laws, ii., 241,  
chap. 1.

A PETITION of Joseph Hawley Treasurer of the County of Hampshire Praying that the Province Treasurer may be directed to reimburse the said County Treasury the sum of Thirteen Pounds one shilling & eight pence for so much paid in May 1727, as a Premium for three Pieces of Linen Cloth (manufactured there) by Order of the General Sessions of the Peace; the Treasurer refusing to pay the said Money, because the Act for allowing it was expired before the Order of the Session came to his hands

Read &

*Ordered* that the Treasurer be he<sup>1</sup> directed to pay to the Memorialist the sum of Thirteen Pounds one shilling & eight pence to reimburse the Treasury of the County of Hampshire in the said sum advanced by them as within mentioned. [*Passed June 14.*]

## CHAPTER 65.

### VOTE IMPOWERING WAITAWHILE HUBBART TO SELL LAND.

A PETITION of Waitawhile Hubbard one of the Children of John Cobbet of Boston Dec<sup>1</sup> Shewing that her Husband William Hubbard has been gone to Sea above three years & wholly neglects to do any thing for her Support or the Support of her Child, & has not so much as written to her since he left her, so that she is reduced to great Straits for Necessaries of Life, Praying that she may be impowered to make Sale of her Right (which is one fifth Part) of a Farm, which belonged to her said Father John Cobbet, lying in the Town of Haverhill that so she may be enabled to support her self & Child.

Legislative  
Records of the  
Council, xlv.,  
83.

House Jour-  
nal, p. 37.

Read [and Accepted] &

*Voted* that the Prayer of the Petition be granted, & the Petitioner is allowed & impowered to make Sale of one Fifth Part of the Farm within mention'd for the support of herself & Child. [*Passed June 14.*]

## CHAPTER 66.

### ORDER ANNEXING THE FARM OF SAM<sup>L</sup> RICH TO THE TOWN OF SUTTON.

A PETITION of Samuel Rich, Shewing that the Farm on which he lives lies contiguous to the Town of Sutton within the County of Suffolk, Praying that his said Farm may be annexed to the said Town of Sutton & made a Part thereof, & that he may enjoy equal Privileges with other Inhabitants of the said Town.

Legislative  
Records of the  
Council, xiv.,  
84.

House Jour-  
nal, p. 38.

Read &

*Ordered* that the Prayer of the Petition be granted, & the Petitioner with his Family & the Farm he dwells on is hereby annexed to & accounted a Part of the Town of Sutton, & the Petitioner is to do Duty & enjoy Privileges with the Inhabitants of Sutton for the future. [*Passed June 14.*]

## CHAPTER 67.

### RESOLVE ALLOWING £38. 4. 4 TO SHER. WINSLOW.

AN ACCOMPT presented by Edward Winslow Esq<sup>r</sup> Sheriff of the County of Suffolk, of Expences on the Anniversary Day of his Majestys Accession, by Order of the General Court, Amounting to the sum of £38. 4. 4.

Legislative  
Records of the  
Council, xiv.,  
84.

House Jour-  
nal, p. 38.  
*Ante*, p. 313,  
chap. 37.

[Read and]

*Resolved* that the sum of Thirty eight Pounds four shillings & four

<sup>1</sup> *Sic.*

pence be allowed & paid out of the publick Treasury to the Accomptant Edward Winslow Esq<sup>r</sup> to be by him paid to whom it is due in full discharge thereof. [*Passed June 14.*]

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## CHAPTER 68.

ORDER OF NOTICE ON WM JENNISONS PET<sup>CON</sup> THAT CERTAIN TOWNS BE SET OFF FROM SUFFOLK AND MIDDLESEX.

Legislative  
Records of the  
Council, xiv.,  
84.

House Jour-  
nal, p. 37.

A PETITION of William Jennison, Represent<sup>ve</sup> of the Town of Worcester, for him self & the Inhabitants of the Westerly Towns within the Counties of Suffolk, & Middlesex, Setting forth the great difficulties which they labour under by reason of their great distance from the Shire Towns of their respective Counties, & their commodious situation for composing a separate & distinct County, And therefore Praying that the said Towns (particularly enumerated in the [following paragraph and in the] Petition) may be erected into a separate County; The Shire Town to be as this Court shall order.

Read & Refer'd to the next Fall Session, And that in the mean time the Petitioner serve the Towns of Marlborô, Lancaster, Groton, Mendon, Woodstock, Oxford, Worcester, Brookfield, Leicester, Westborô, Shrewsbury, Rutland, Sutton, Southborô & Uxbridge with Copies of this Petition, that they then shew cause why the Prayer thereof should not be granted. [*Passed June 14.*]

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## CHAPTER 69.

ORDER IMPOWERING THE SELECT MEN OF BOSTON TO ERECT HOSPITAL BUILDINGS.

Legislative  
Records of the  
Council, xiv.,  
84.

House Jour-  
nal, p. 36.

A MEMORIAL of the Selectmen of the Town of Boston, Proposing that a convenient House of one Room on a Floor two Stories high be erected on the Province Land near the Hospital on Spectacle Island, for the Reception of the Company or Passengers belonging to infectious Vessels that are them selves in Health, & that a slight Shed may be built for receeiving such valuable Goods taken out of the infectious Vessels as may suffer Damage by lying abroad.

Read &

*Ordered* that the Prayer of the Petition be granted, & the Petition<sup>rs</sup> are allowed & empowered to erect & finish the Buildings within mentioned, & lay an Accompt of the Charge before this Court. [*Passed June 14.*]

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## CHAPTER 70.

ORDER REFERRING AND APPOINTING A COMMITTEE ON THE PETITION OF THE INHABITANTS OF MEDFIELD FOR A NEW TOWN.

Legislative  
Records of the  
Council, xiv.,  
85. Mass.  
Archives,  
cxlii., 728.

A PETITION of sundry Inhabitants of the Town of Medfield & others Praying that a Tract of Land lying between the Towns of Oxford, Brimfield & Brookfield, & the Province Line may be granted to them for a Township the adjacent Farm to be added thereunto.



Read and

*Ordered* That this petition be referred to the next Fall Session and that in the Mean time Coll Thaxter Major Tilestone and Maj<sup>r</sup> Chandler be a Committee to repair to the Lands petitioned for and described in the within plann that they View and well Consider the Nature & Circumstances of the said Land, & report their Opinion of what the Same may be worth at said session. [*Passed June 14.*]

Mass.  
Archives,  
cxiii., 726.  
House Jour-  
nal, p. 37.

## CHAPTER 71.

## RESOLVE GRANTING TWO TOWNSHIPS TO THE NARRAGANSET SOLDIERS.

A PETITION of Samuel Chandler & Jacob Wright in Behalf of themselves & a great Number of other Persons, Shewing that the General Court of the late Colony of the Massachusetts Bay in the Year 1685, did in Answer to the Petition of divers Persons of the Towns of Hingham, Lyn, Reading, & Beverly grant them a Tract of Land in the Nipmug Countrey of eight Miles square for their Encouragem<sup>t</sup> & others that were serviceable in the late Indian War; W<sup>ch</sup> Grant was not pursued to Effect, And for as much as the Petitioners were either personally present at the Fort & Fight at Narraganset or Descendants from those that were or in the strictest Alliance to them; Therefore Praying that a Grant may be made them of such vacant Lands as may serve the Petition<sup>rs</sup> for Settlements under such Restrictions & Limitations as this Court shall judge fit.

Legislative  
Records of the  
Council, xiii.,  
381; xiv., 86.  
Mass.  
Archives, cxv.,  
760.

Mass.  
Archives, cxv.,  
763, 768, 770.  
House Jour-  
nal, p. 23.

In answer to the petition of the Souldiers that Sarved in the Narragansett war.

*Resolved* that maj<sup>r</sup> Chandler mr Edward Shove maj<sup>r</sup> Tileston and Mr John Hobson or any three of them be a commitee fully authorised and Impowered to survey and lay out two tracts of land for town ships of the Contents of Six miles Square Each in som of the unap[rop]riated lands of this province and that the said lands be granted and disposed of to the parsons wether officers or souldiers belonging to this province who wear in the service of their Cuntry in the said Narragansett War or to their lawfull Representatives as a reward for their publick service and is in full Satisfaction of the Grant formerly made them by the Great And General Court And And<sup>1</sup> for as much as it is the full In tente and purpose of this Court that Every officer and souldier who served in the said war should have A Compensation Made him over And above what Wages and Gratuities any of Them have all Readey Received That publick Notice be Given in the News Letters And Advirtisements be posted up in Every Town in the province Notifying all parsons that Now Survive and that wear in that fight and the Leagall Representatives of those Deceased that they Give or send a list of their Names and Deccents to this Court in their Next fall sessions and when such List is Completed by a Committee then to be appointed by this Court the Grantees shall be obliged to assemble in as short atime as they Can Conveaniently not Exceeding six months and proceed to the Choice of a committee to Regulate Each propriety who shall pass Such orders And Rules as will Effectually Oblige them to Setle sixty families at least In Each town ship with alearned Ortherdox minister with in the space of seven years from y<sup>e</sup> date of the Grant provided Never the Less that if the Said Grantees shall not Effectually setle the said Number of families in Each town ship and also lay out a lott for the said settled min-

<sup>1</sup> *Sic.*

ister one for the ministrey and one for the Schoole In Each of the said townships they shall have no Advantage but forfeit their said Grant Any thing to the Contrerary<sup>1</sup> here in Contained Notwithstanding. [*Passed June 15.*]

## CHAPTER 72.

### ORDER IMPOWERING MARY SHARP TO BRING AN ACTION.

Legislative  
Records of the  
Council, xiv.,  
87.

House Jour-  
nal, p. 38.  
*Ante*, p. 258,  
chap. 33.

A PETITION of Mary Sharp of Kingston in the Island of Jamaica by her Attorney Cpt. Wentworth Paxton, Shewing that whereas she was impowered by an Order of this Court to contest an Accompt of Rents given in by Benjamin Gallop at the Superior Court held at Boston in Febry. last, her said Attorney thrō Mistake neglected to take out a Writ of Review against the said Gallop, Imagining that the Cause would go on upon the first Writ, & attended the Court in that Expectation, And therefore Praying for a Renewal of the said Order, as the Exigency of the said Case still requires.

Read &

*Ordered* that the Prayer of the Petition be granted; & the Petitioner is allowed to contest in the Law at the next Superior Court of Judicature, to be holden for the County of Suffolk the said Accompt of Rents of the said Messuage; And the Justices of the said Court are impowered & directed to hear and determine the same enter up Judgment & award Execution accordingly; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed June 15.*]

## CHAPTER 73.

### ORDER OF NOTICE ON THE PETITION OF THE NORTH EAST INHABTS OF WOBURN.

Legislative  
Records of the  
Council, xiv.,  
88.

House Jour-  
nal, p. 42.

A PETITION of Samuel Eams & others Inhabitants of the North east Part of Woburn commonly called Goshen, with some of the Inhabitants of Reading, Setting forth their Difficulties by reason of their distance from the Places of publick Worship, & Praying that they may be erected into a separate & distinct Precinct.

In Council; Read &

*Ordered* that the Prayer of the Petition be so far granted, as that Jonathan Dowse Esq<sup>r</sup> with such as shall be appointed by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be a Committee to view the Town of Woburn, & consider the Situation & Circumstances of the North easterly Inhabitants there, giving Notice to the Select men at least fourteen days before the time of their going thither; & that they make Report to this Court at the next Fall Session, what they think proper to be done in Answer to this Petition: In the House of Represent<sup>ves</sup> Read & Non Concur'd; &

*Ordered* that the Petitioners serve the Towns of Woburn & Reading w<sup>th</sup> Copies of this Petition, that they shew cause on the first Fryday of the next Fall Session why the Prayer thereof should not be granted; And that the Petition be refer'd in the mean time accordingly

In Council; Read & Concur'd. [*Passed June 17.*]

<sup>1</sup> *Sic.*

## CHAPTER 74.

VOTE IMPOWERING CPT. JOHN KING TO TAKE OUT A PATENT FOR 500 ACRES OF LAND.

*Voted* that Cpt. John King of Taunton the Assign of this Province for Five hundred Acres of Land lying in Killingley in the Colony of Connecticut formerly laid out by this Governm<sup>t</sup> to satisfy a Grant to M<sup>r</sup> John Collins of London be & hereby is fully impowered to apply for & obtain a Patent or Confirmation of said Land from the Govern<sup>t</sup> of the Colony of Connecticut in his own Name, & to & for the sole Use, Benefit & Behoof of him the said John King, his Heirs & Assigns for ever; The Charge to be born by the said King. [*Passed June 18.*]

Legislative  
Records of the  
Council, xiv.,  
90.

House Jour-  
nal, p. 42.  
*Ante*, p. 319,  
chap. 56.

## CHAPTER 75.

RESOLVE ALLOWING £10 TO JETHRO HARRY.

A PETITION of Jethro Harry an old Indian of Mashpee Praying for an Allowance from this Court for his Wounds received in the Narraganset War, which are still very painful to him, & he is without means of supporting him self & his Wife, who is almost blind with Age.

Legislative  
Records of the  
Council, xiv.,  
90.

House Jour-  
nal, p. 49.

Read & In answer to this Petition,

*Resolved* that the sum of Ten Pounds be allowed & paid out of the publick Treasury to Ezra Bourn Esq<sup>r</sup> for the Use of the said Jethro Harry, & his Wife to be disposed of as their Necessities call for. [*Passed June 18.*]

## CHAPTER 76.

RESOLVE ALLOWING £400 TO THE LIEUT. GOVERNOR.

*Resolved* that the sum of Four hundred Pounds be allowed & paid out of the publick Treasury to His Honour William Dummer Esq<sup>r</sup> Lieutenan[t] Governor & Commander in Chief of this His Majestys Province for his support to enable him to manage the Affairs of the Government. [*Passed June 18.*]

Legislative  
Records of the  
Council, xiv.,  
90.

House Jour-  
nal, p. 44.

## CHAPTER 77.

RESOLVE ALLOWING £70 TO THE SECRY, AND A FURTHER SUM OF £30 FOR SUNDRY SERVICES.

*Resolved* that the sum of Seventy Pounds be allowed & paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary of this Province for his extraordinary Service the last Half year; And that the further Sum of Thirty Pounds be allowed & paid out of the publick Treasury to the said Josiah Willard in Consideration of the publick Affairs at this time calling for sundry things to pass that Office necessarily requiring a more strict Attendance from him to effect those Matters, many of which have no stated Fee or Allowance. [*Passed June 18.*]

Legislative  
Records of the  
Council, xiv.,  
90.

House Jour-  
nal, p. 45.

## CHAPTER 78.

## RESOLVE ALLOWING £300 TO THE JUDGES.

Legislative  
Records of the  
Council, xiv.,  
90.  
House Jour-  
nal, pp. 44, 45.

*Resolved* that the sum of Three hundred Pounds be allowed & paid out of the publick Treasury to the Hon<sup>ble</sup> the Justices of his Majestys Superior Court of Judicature &c in proportion to the Courts they have attended the last Half Year. [*Passed June 18.*]

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## CHAPTER 79.

RESOLVE ALLOWING £360 TO THE PRESID<sup>t</sup> OF THE COLLEGE.

Legislative  
Records of the  
Council, xiv.,  
90.  
House Jour-  
nal, p. 45.

*Resolved* that the sum of Three Hundred & sixty Pounds be allowed & paid out of the publick Treasury to the Rev<sup>d</sup> M<sup>r</sup> Benjamin Wadsworth Presid<sup>t</sup> of Harvard College, to enable him to manage the weighty & important Affairs of that Society the Year Currant, The Money to be paid him Quarterly. [*Passed June 18.*]

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## CHAPTER 80.

RESOLVE ALLOWING £250 TO THE TREAS<sup>r</sup>.

Legislative  
Records of the  
Council, xiv.,  
91.  
House Jour-  
nal, p. 45.

*Resolved* that the Sum of Two hundred & fifty Pounds be allowed & paid out of the publick Treasury to Jeremiah Allen Esq<sup>r</sup> Treasurer of this Province for his Service the year past in the Treasury &c. [*Passed June 18.*]

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## CHAPTER 81.

## RESOLVE ALLOWING 4/ PER DIEM TO THE SPEAKER OF THE HOUSE.

Legislative  
Records of the  
Council, xiv.,  
91.  
House Jour-  
nal, p. 45.

*Resolved* that there be allowed & paid out of the publick Treasury after the rate of Four shillings per Diem for every day of the present Sessions of this Court upon Certificate from the Clerk of the House to the Hon<sup>ble</sup> William Dudley Esq<sup>r</sup> Speaker in consideration of his constant Application in dispatching the publick Affairs of the Province. [*Passed June 18.*]

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## CHAPTER 82.

## RESOLVE ALLOWING £30 TO THE CLERK OF THE HOUSE.

Legislative  
Records of the  
Council, xiv.,  
91.  
House Jour-  
nal, p. 45.

*Resolved* that the sum of Thirty Pounds be allowed & paid out of the publick Treasury to John Wainwright Esq<sup>r</sup> Clerk of the House, in Part for his Service the Year Currant. [*Passed June 18.*]

## CHAPTER 83.

ORDER OF NOTICE ON THE PETITION OF DIVERS INHAB<sup>TS</sup> OF CONCORD  
& BILLERICA FOR A NEW TOWN.

A PETITION of Andrew Watkins & John Wilkins & John Wilson & a considerable Number of others, Setting forth their great Difficulties by reason of their Distance from the Meeting houses in the Towns of Concord & Billerica, to which they belong, & that they have been necessitated to get a Minister among them for the Winter Season, And therefore Praying that they may be set off a separate Township.

Legislative  
Records of the  
Council, xlv.,  
91.

House Jour-  
nal, p. 44.

Read &

*Ordered* that this Petition be refer'd to the next Session for further Consideration ; & that in the mean time the Petitioners serve the Towns of Billerica & Lexington with Copies of the Petition, that they shew Cause, if any they have, why the Prayer thereof sh<sup>d</sup> not be granted. [*Passed June 18.*]

## CHAPTER 84.

## RESOLVE ALLOWING £40 TO THE DOOR KEEPER.

*Resolved* that the sum of Forty Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Richard Hubbard Door Keeper to his Honour the Lieuten<sup>t</sup> Governor & this Court for his service half a Year, which will determine the nineteenth of August next. [*Passed June 19.*]

Legislative  
Records of the  
Council, xlv.,  
92.

House Jour-  
nal, p. 45.

## CHAPTER 85.

## REPORT ON THE AFFAIR OF TURKEY HILLS ACCEPTED.

THE COMMITTEE appointed to examine the Accompts & other Papers given in by the Committee for Turkey Hills, having attended that Affair and seen & examined the Persons that they found necessary to be examined upon Oath, together with the Papers in order to a full Understanding of the same, Are of Opinion That the Committee for the two new Towns at Turkey Hills in transferring Lots without Order or Leave from the General Court, as also in granting Persons new Lots in Exchange for those they first drew exceeded their Power, given them by Order of the Court, & tended to obstruct the Settlement of the said new Towns.

Legislative  
Records of the  
Council, xlv.,  
92.

Legislative  
Records of the  
Council, xlv.,  
68, 69. House  
Journal, p. 51.  
*Ante*, p. 267,  
chap. 120.

That on the Account of the Transfers aforesaid there were given or paid to the Committee by the Grantees (sometimes to the Use of the whole Committee, at other times to the Use of the Major Part) unreasonable & excessive sums of Money ; & that they have never given the Propriety Credit in any of their Accompts therefor : But inas much as the Gentlemen of the said Comm<sup>tee</sup> do not appear to have been equally concerned in all the Transactions relating to the Settlement of the said new Towns, We find it necessary to distinguish them in the following Manner ; viz,

It appears to us, that in making the several Transfers for Lots (for which there was received by their own Acknowledgem<sup>t</sup> near One hundred & fifty Pounds) the whole Committee did allow thereof, & direct

the Price of Twenty shillings therefor; But we do not find that Coll. Tailer or Coll. Thaxter were present at the Receipt of such Moneys saving at one or two Meetings.

It further appears that in granting new Lots to Persons in Exchange for those they first drew, there was received of the Grantees (sometimes by one of the Committee & sometimes by an other) considerable sums of Money before any Service was done; Which seemed to be rather by way of Gratuity for Favours to be done in the said Exchanges than as Wages for the Service it self; but it doth not appear to us, that Coll. Tailer or Coll. Thaxter were concerned in such Exchanges; That the said Committees declaring the Forfeiture of several Lots & selling them at discretion for large sums of Money was beyond their Power, & what therefore they cannot regularly do without the further & special Direction of the General Court: That the Committees Accompts of Money; received & paid be within six months made up and adjusted, & the Money paid in to the Treasurer of the Province:

That the South Town be vested with the Powers & Privileges which other Towns have & do by Law enjoy, & that those Grantees whose<sup>1</sup> Lots are yet unsettled, & shall neglect to settle the same for the space of twelve months shall be liable to have their Lots disposed of by the Town to other Persons that shall appear to settle the same: That the North Town Grantees assemble them selves as soon as may be, & chuse a Committee to proceed in the further Settlement of the said Town & report their Choice to this Court at their next Session for their Approbation & further Direction.

That the whole Charge of the Committee in Attendance on the General Court, drawing their Accompts & other Expences ought not to be born by the two Towns, & that their Accompts be reformed accordingly: That the whole Cost & Charges of the Attendance of Witnesses summoned by Order of the General Court shall be paid by Francis Fulham Esq<sup>r</sup> & Mess<sup>rs</sup> Benjamin Whittamore & John Shipley out of the sums they have received for Transfers & Exchanges: That the several Bonds taken by the Committee of the Grantees of the forfeited Lots be lodged with the Secretary, to be by him delivered up to several Obligors who executed the same; & that the said Committee have Credit given them in their Books of Accompts for the said Bonds accordingly: By Order of the Comm<sup>tee</sup>

THO. FITCH

Read &

*Ordered* that this Report be accepted. [*Passed June 19.*]

## CHAPTER 86.

### VOTE IMPOWERING THE TREASURER TO PURCHASE GOODS FOR TRADE WITH THE WESTERN INDIANS.

*Resolved* that the Treasurer be directed to purchase A suitable Quantity of European & West India Goods (as Rum, Sugar & Molasses) fit for supplying the Western Indians & for procuring necessary Provisions, not exceeding in the whole One thousand Pounds. & take effectual Care that the said Goods be transported to & lodged at the Truck house above Northfield on Connecticut River, to be under the Care & Disposition of a Truck master to be chosen by this Court; who shall be directed to procure in the County of Hampshire sufficient Quantities of Provisions with

Legislative Records of the Council, xiv., 93.

House Journal, p. 47.  
*Ante*, p. 266, chap. 114.  
*Post*, p. 333, chap. 95.

<sup>1</sup> "Whole," in the Secretary's copy, but "whose," in the State Library copy, Legislative Records of the Council, xiv., 104.

part of the aforesaid sum of One thousand Pounds; And that Fifty per Cent. be advanced on the Rum, Sugar & Molasses, & Twenty five per Cent. on the European Goods; And the Truck master in disposing of the Peltry shall follow such Orders as shall be given him by this Court. [*Passed June 19.*]

## CHAPTER 87.

### RESOLVE ALLOWING £413 TO JN<sup>O</sup> LYDIUS.

AN Acc<sup>t</sup> sent by John Lydius of Mount Royal in Canada of Moneys supplied Cpt. Joseph Kellog in his Negotiation for purchasing Prisoners, Expences &c. Amounting to 2,480 Liveres & 7<sup>1</sup>/<sub>2</sub> Sols.

[Read and Accepted and]

*Resolved* that the sum of Four hundred & thirteen Pounds be allowed & paid out of the publick Treasury [to]<sup>1</sup> M<sup>r</sup> Jacob Wendell to be by him transmitted to M<sup>r</sup> John H Lydius Merchant in Mount Royal in Silver Money, according to the Contract made with him by Cpt. Joseph Kellog. [*Passed June 19.*]

Legislative  
Records of the  
Council, xiv.,  
94.

House Jour-  
nal, p. 46.  
*Ante*, p. 273,  
chap. 131.  
*Infra*, chap. 88.

## CHAPTER 88.

### RESOLVE ALLOWING £48. 8. 8 TO COLL. JN<sup>O</sup> SCHUYLER.

AN ACCOMPT of Money, Bisket, Tobacco &c taken up by Cpt. Joseph Kellog of Coll. John Schuyler, Amounting to the sum of £40. 8. 8.

[Read and Accepted and]

*Resolved* that the sum of Forty eight Pounds eight shillings & eight pence<sup>2</sup> be allowed & paid out of the publick Treasury to M<sup>r</sup> Jacob Wendell in full discharge thereof. [*Passed June 19.*]

Legislative  
Records of the  
Council, xiv.,  
94.

House Jour-  
nal, p. 46.  
*Supra*, chap.  
87. *Infra*,  
chap. 88.

## CHAPTER 89.

### RESOLVE ALLOWING £321. 9. 6 TO CPT. JOS. KELLOG.

AN ACCOMPT presented by Cpt. Joseph Kellog of Wages for him self & Company in their Journey to Canada together with the said Kellogs Expences from Boston to Westfield, Amounting to the sum of £321. 9. 6.

[Read and Accepted and]

*Resolved* that the sum of Three hundred & twenty one Pounds nine shillings & six pence be allowed & paid out of the publick Treasury to the said Cpt. Joseph Kellog to be by [him]<sup>1</sup> repaid to the Persons to whom the same is respectively due in full discharge thereof. [*Passed June 19.*]

Legislative  
Records of the  
Council, xiv.,  
94.

House Jour-  
nal, p. 46.  
*Supra*, chap.  
88. *Infra*,  
chap. 90.

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 106.

<sup>2</sup> The House Journal reads, £40. 8. 8.

## CHAPTER 90.

Legislative  
Records of the  
Council, xiv.,  
95.

House Jour-  
nal, p. 46.  
*Ante*, p. 281,  
chap. 154.  
*Supra*, chap.  
89. *Infra*,  
chap. 91.

RESOLVE DISCHARGING CPT. JOS. KELLOGS ACCT<sup>r</sup> OF £40 ADVANCED TO HIM.

AN ACCOUNT, presented by Cpt. Jos. Kellog of the Expence of Forty Pounds advanced to him for the purchasing of Silver or Gold for his Charges till his Letters of Credit should take Effect in Canada

Read & Accepted, &

*Resolved* that Cpt. Joseph Kellog be discharged of the said sum of Forty Pounds accordingly. [*Passed June 19.*]

## CHAPTER 91.

RESOLVE ALLOWING £4. 14. 2 TO CPT. JOS. KELLOG.

Legislative  
Records of the  
Council, xiv.,  
95.

House Jour-  
nal, p. 46.  
*Supra*, chap.  
90.

AN ACCOUNT presented by Cpt. Joseph Kellog of his Expences from Albany to Westfield, Amounting to the sum of £4. 14. 2.

[Read and Accepted and]

*Resolved* that the sum of Four Pounds fourteen shillings & two pence be allowed & paid out of the publick Treasury to Cpt. Joseph Kellog in full discharge thereof. [*Passed June 19.*]

## CHAPTER 92.

RESOLVE ALLOWING £18. 6. 8 TO THO. HANCOCK.

Legislative  
Records of the  
Council, xiv.,  
95.

House Jour-  
nal, p. 51.

AN ACCOUNT presented by Thomas Hancock Stationer of Paper, Printing & Stitching the Rev<sup>d</sup> M<sup>r</sup> Brecks Sermon, preached to the General Assembly on the last Election Day, Amounting to the sum of £18. 6. 8.

[Read and]

*Resolved* that the sum of Eighteen Pounds six shillings & eight pence be allowed & paid out of the publick Treasury to the Accountant, Thomas Hancock in full discharge thereof. [*Passed June 19.*]

## CHAPTER 93.

ORDER GRANTING TO RICH<sup>d</sup> BOURN AN EXTENSION OF TIME TO SURVEY LAND.

Legislative  
Records of the  
Council, xiv.,  
95.

House Jour-  
nal, p. 47.  
*Ante*, p. 163,  
chap. 73.

A PETITION of Richard Bourn, Shewing that whereas this Court were pleased to grant him One hundred Acres of the unappropriated Lands, he returned a Plat of the said Quantity for Confirmation, but it was not allowed because of an irregular Figure, Therefore Praying that he may be allowed one year for surveying the said Hundred Acres of Land, & returning the same to this Court for Confirmation.

Read &

*Ordered* that the Prayer of the Petition be granted. [*Passed June 19.*]



## CHAPTER 94.

### ORDER OF NOTICE ON MOSES CURTIS'S PETITION TO BE SET OFF FROM STOUGHTON.

A PETITION of Moses Curtis of Stoughton Inn holder, Setting forth his great Difficulties by reason of his being so remote from the Place of publick Worship in the said Town, & Praying that he & his Family & Estate may be set off from Stoughton, & annexed to the Town of Brantree for which he is more commodiously situated.

[Read and] Refer'd to the next Session & that in the mean time the Petitioner serve the Town of Stoughton with a Copy of the Petition, that they then shew cause why the Prayer thereof should not be granted. [*Passed June 19.*]

Legislative  
Records of the  
Council, xiv.,  
95.  
House Jour-  
nal, p. 46.

## CHAPTER 95.

### CPT. JOS. KELLOG CHOSEN TRUCK MASTER.

THIS DAY Cpt. Joseph Kellog was elected by Unanimous Vote of the Council & House of Represent<sup>ves</sup> to be Truck master at the Truck house above Northfield. [*Passed June 19.*]

Legislative  
Records of the  
Council, xiv.,  
96.  
House Jour-  
nal, p. 51.  
*Aide*, p. 330,  
chap. 86.

## CHAPTER 96.

### RESOLVE ALLOWING £50. 7. 6 TO D<sup>r</sup> GEO. PEMBERTON.

AN ACCOMPT of D<sup>r</sup> George Pemberton Surgeon of the Garrison at his Majestys Castle William of Medicines & Attendance from the 5<sup>th</sup> of Decem<sup>r</sup> 1727, to the 9<sup>th</sup> of May 1728, Amounting to the sum of £50. 7. 6.

[Read and Accepted and]

*Resolved* that the sum of Fifty Pounds seven shillings & six pence be allowed & paid out of the publick Treasury to D<sup>r</sup> George Pemberton in full Discharge thereof. [*Passed June 19.*]

Legislative  
Records of the  
Council, xiv.,  
96.  
House Jour-  
nal, p. 48.

## CHAPTER 97.

### RESOLVE ALLOWING PAYMENT OF LIEUT. TIMO CHILDS MUSTER ROLL.

A MUSTER ROLL of the Company in his Majestys Service Westward under the Command of Lient Timothy Child, Containing an Accompt of Wages from the 9<sup>th</sup> to the 29<sup>th</sup> of April, Amounting to the sum of £85. 16. 9.

[Read and Accepted and]

*Resolved* that the sum of Eighty five Pounds sixteen shillings & nine pence be allowed & paid out of the publick Treasury to Cpt. Thomas Wells to be by him paid to the Officers & Soldiers born thereon, to whom the same is respectively due in full discharge thereof. [*Passed June 19.*]

Legislative  
Records of the  
Council, xiv.,  
96.  
House Jour-  
nal, p. 46.

## CHAPTER 98.

RESOLVE ALLOWING 50/ TO THO. RANDOLPH.

Legislative  
Records of the  
Council, xiv.,  
96.

House Jour-  
nal, p. 48.

AN ACCOMPT presented by Thomas Randolph<sup>1</sup> of transporting four Indians from Casco Bay to Boston, Amounting to the sum of £2. 10.

[Read and]

*Resolved* that the sum of Fifty shillings be allowed & paid out of the publick Treasury to the Accomptant Thomas Randolph in full discharge thereof. [*Passed June 19.*]

## CHAPTER 99.

RESOLVE DIRECTING THE TURKEY HILLS COMMITTEE TO PAY £5 TO JON<sup>A</sup> WHITNEY.

Legislative  
Records of the  
Council, xiv.,  
96.

House Jour-  
nal, p. 52.  
*Ante*, p. 230,  
chap. 29; p. 329,  
chap. 85.

A PETITION of Jonathan Whitney Shewing that whereas he paid into the hands of the Committee for Turkey Hills the sum of Three<sup>2</sup> Pounds & gave Bond for £35 more, this Court has been pleased to order that the Bonds given to the Committee by those that had forfeited their Lots should be given up, but have taken no Order for the Return of the Money paid on the same Account. Therefore Praying that the said Committee may be directed to pay back the Five Pounds which they received of him on the Score of his Forfeiture.

Read &

*Ordered* that the Prayer of the Petition be granted. [*Passed June 20.*<sup>3</sup>]

## CHAPTER 100.

RESOLVE ALLOWING £100 PER ANNUM FOR CPT. KELLOGS SALARY AS TRUCKMASTER &amp; INTERPRETER.

Legislative  
Records of the  
Council, xiv.,  
97.

House Jour-  
nal, p. 53.  
*Ante*, p. 333,  
chap. 95.

*Resolved* that there be allowed & paid out of the publick Treasury after the rate of One hundred Pounds per Annum to Cpt. Joseph Kellog for his Service in officiating as Truck master at the Block house above Northfield, & as Interpreter in the Indian Affairs. [*Passed June 20.*]

## CHAPTER 101.

RESOLVE ALLOWING £3. 8 TO ARTH. NOBLE.

Legislative  
Records of the  
Council, xiv.,  
97.

House Jour-  
nal, p. 49.

A MEMORIAL of Arthur Noble, Praying for an Allowance for his Service in coming Express from Falmouth to Boston & returning back; In which he spent seventeen days & was on his own Expence.

Read [and Accepted] &

*Resolved* that the sum of Three Pounds & eight shillings be allowed

<sup>1</sup> "Randall," in the House Journal.

<sup>2</sup> "Five," in the State Library copy, Legislative Records of the Council, xiv., 108, and in the House Journal, p. 52, which would seem correct.

<sup>3</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is June 19.

& paid out of the publick Treasury to the Memorialist Arthur Noble in full for the Service in performing the Express as within mentioned. [*Passed June 20.*]

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## CHAPTER 102.

### RESOLVE ALLOWING 40/ TO JOS. MARION.

AN ACCOUNT presented by Joseph Marion of Writing done for the Governm<sup>t</sup> Amounting to the sum of £2.

Legislative  
Records of the  
Council, xiv.,  
97.

[Read and]

*Resolved* that the sum of Forty shillings be allowed & paid out of the publick Treasury to the Accomptant Joseph Marion in full discharge thereof. [*Passed June 20.*]

House Jour-  
nal, p. 48.

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## CHAPTER 103.

### VOTE FOR A NEW PLATE OF A SCROLL FOR Y<sup>E</sup> BILLS.

FORASMUCH as the Plate for enstamping the Scroll on the back of the Bills of Credit of the middle Denomination is broken & unfit for Use;

Legislative  
Records of the  
Council, xiv.,  
97.

*Voted* that the Committee for signing the said Bills be impowered to get a new Plate for the said Scroll for the Bills now ordered to be imprinted. [*Passed June 20.*]

House Jour-  
nal, p. 52.  
*Ante*, p. 318,  
chap. 54.

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## CHAPTER 104.

### ORDER OF NOTICE ON JOS. COOKS PETITION FOR CONFIRMING A DEED.

A PETITION of Joseph Cook of Portsmouth in the Colony of Rhode Island, Shewing that his Brother Samuel Cook has been Non Compos Mentis from his Youth, & is now old & infirm of Body, & that their Father John Cook, who died in the Year 1691, by his last Will & Testament gave to the said Samuel, & his Heirs Male lawfully begotten for ever the Nineteenth Share of Land in Pocasset Purchase &c, Declaring that he should not have the Disposal of it without the Consent of the Executors & Overseers, That at a Superior Court held at Bristol in Septem<sup>r</sup> 1701, upon the Petition of the Select men of Tiverton, Setting forth that the said Samuel was not able to provide for him self, the said Court pass'd an Order for the Sale of the Land of the said Samuel Cook to pay the Charge the Petitioner had been at in taking Care of him for ten years before & for what other Charge should be necessary for his Support; Afterwards & agreable to the said Order, the Lands of the said Samuel Cook were sold by him, & the said Executors & Overseers of his Fathers Will by an authentick Instrument, to Joseph Sheffield, under whom the Petitioner now holds it, Praying for the Authority of this Court to give a Sanction to the Deed made to Sheffield as aforesaid, That so the Petitioner & his Heirs may hold & enjoy the said Land according to the Intent of y<sup>e</sup> Sale of it.

Legislative  
Records of the  
Council, xiv.,  
98.

House Jour-  
nal, pp. 53, 54.

Read &

*Ordered* that this Petition be refer'd to the first Fryday of the next Session of this Court, & that in the mean time the Petitioner serve the surviving Children of John Cook the Testator with a Copy thereof, that so they may give in their Answer thereto, if they see cause. [*Passed June 20.*]

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## CHAPTER 105.

### VOTE FOR CALLING A TOWN MEETING AT MIDDLETON.

Legislative  
Records of the  
Council, xiv.,  
98.

House Jour-  
nal, p. 52.

*Ordered* that M<sup>r</sup> Jonathan Fuller a principal Inhabitant of the Town of Middleton be & hereby is impowered & directed to assemble the Free holders, & other Inhabitants of the said Town to convene as soon as may be to chuse Town Officers to stand until the Anniversary Meeting in March next. [*Passed June 20.*]

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## CHAPTER 106.

### RESOLVE ALLOWING PAYMENT OF MUSTER ROLL OF SLOOP ENDEAV<sup>r</sup> THO. SAUNDERS MASTER.

Legislative  
Records of the  
Council, xlv.,  
98.

House Jour-  
nal, p. 52.

A MUSTER ROLL of the Sloop Endeavour, Thomas Saunders Master a transport in his Majestys Service, Containing an Accompt of Wages to the said Master & Company for their Service, & of the Hire of the said Sloop from Decem<sup>r</sup> 22. 1727, to this Day, Amounting to the sum of £277. 10.

[Read and]

*Resolved* that the sum of Two Hundred & seventy seven Pounds ten shillings be allowed & paid out of the publick Treasury to the said Thomas Saunders, & other Persons to whom the same is respectively due in full discharge of the Wages & Sloop Hire thereof. [*Passed June 20.*]

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## CHAPTER 107.

### RESOLVE ALLOWING £7. 17. 4 TO PELET<sup>a</sup> GLOVER.

Legislative  
Records of the  
Council, xiv.,  
99.

House Jour-  
nal, p. 53.

A MEMORIAL of Peletiah Glover one of the Coroners of the County of Hampshire Praying for an Allowance of his Accompt of charges occasioned by an Inquest on the Body of a Man found dead near Housatanuck in said County, Amounting to the sum of £8. 4. 6.

Read &

*Resolved* that the sum of Seven Pounds seventeen shillings & four pence be allowed & paid out of the publick Treasury to M<sup>r</sup> Samuel Day, to be by him paid to Pelatiah Glover, & by him repaid to whom it is respectively due in full discharge of the within Accompt. [*Passed June 21.*]

## CHAPTER 108.

RESOLVE ALLOWING THE CO. TREAS<sup>R</sup> OF BARNSTABLE HIS ACC<sup>T</sup>.

AN ACCOMPT presented by Ebenezer Lewis, Treasurer of the County of Barnstable for the last Year; Having been by him laid before the Court of General Sessions of the Peace for the said County & by them allowed;

Legislative  
Records of the  
Council, xiv.,  
99.

House Jour-  
nal, p. 52.

Read & Accepted, &

*Ordered* that this Accompt be allowed. [*Passed June 21.*]

## CHAPTER 109.

RESOLVE ALLOWING PAYMENT OF LIEUT. JN<sup>O</sup> POMROYS MUSTER ROLL.

A MUSTER ROLL of the Company in his Majestys Service Westward under the Command of Lieut. John Pomroy, Containing an Accompt of Wages due to them for their said Service & their Subsistence, from the 8<sup>th</sup> of April to the 27<sup>th</sup> of June 1728, Amounting to the sum of £126. 18. 7.

Legislative  
Records of the  
Council, xiv.,  
99.

House Jour-  
nal, pp. 53, 56.

[Read and Accepted and]

*Resolved* that the sum of One hundred & twenty six Pounds, eighteen shillings & seven pence be allowed & paid out of the publick Treasury to Cpt. John Pomroy, to be by him paid to whom it is respectively due, in full discharge of the Wages & Subsistence thereof. [*Passed June 21.*]

## CHAPTER 110.

RESOLVE PROVIDING FOR THE EXPENSES OF THE COMM<sup>TEE</sup> OF THE HOUSE TO WAIT ON GOVERN<sup>R</sup> BURNET.

*Resolved* that M<sup>r</sup> Cook, Major Tilestone, M<sup>r</sup> Remington, M<sup>r</sup> Lemmon, Coll. Payne, & M<sup>r</sup> Welles with the Gentlemen that are already appointed by his Honour the Lienten<sup>t</sup> Governor, & the Hon<sup>ble</sup> Board in the Recess of the Court, be desired, on the Advice of his Excellency Govern<sup>r</sup> Burnets being come to the Governm<sup>t</sup> to repair to the Confines of that Part of the Governm<sup>t</sup> which it may [appear]<sup>1</sup> propable<sup>2</sup> his Excellency may first arrive at; And that M<sup>r</sup> Treasurer may be ordered & directed to advance out of the publick Treasury to M<sup>r</sup> Sheriff Winslow (for which he is to be accountable,) the sum of Two hundred Pounds on this Occasion. [*Passed June 21.*]

Legislative  
Records of the  
Council, xiv.,  
99.

House Jour-  
nal, p. 52.  
*Ante*, p. 279,  
chap. 146.

## CHAPTER 111.

VOTE FOR REDEEMING THREE INDIAN CAPTIVES.

In the House of Represent<sup>ves</sup>

*Voted* that M<sup>r</sup> Welles & M<sup>r</sup> Lewis with such as shall be appointed by the Hon<sup>ble</sup> Board be a Committee to agree for the Purchase of the

Legislative  
Records of the  
Council, xiv.,  
100.

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 112.

<sup>2</sup> *Sic.*

Legislative  
Records of the  
Council, xiv.,  
39. House  
Journal, p. 57.

three Indian Captives now in the hands of the English at as reasonable rate as they can be obtained for in order to their being delivered in the Name of this Governm<sup>t</sup>

In Council; Read & Concur'd.<sup>1</sup> [*Passed June 21.*]

## CHAPTER 112.

RESOLVE ALLOWING PAYMENT ON CPT. JOHN GYLES'S MUSTER ROLL.

Legislative  
Records of the  
Council, xiv.,  
100.

House Jour-  
nal, p. 54.

A MUSTER ROLL of the Garrison at the Block house at St Georges River in his Majestys Service under the Command of Cpt. John Gyles Containing an Accompt of Wages due to them for their Service from the 27<sup>th</sup> of Decem<sup>r</sup> 1727, to the <sup>2</sup> of June 1728, Amounting to the sum of £344. 14. 11.

[Read and Accepted and]

*Resolved* that the sum of Twenty five Pounds five shillings & eight pence (being the Wages due to Abraham Johnson) be allowed & paid out of the publick Treasury to M<sup>r</sup> Ezekiel Lewis, to whom he is accountable; And that the further sum of Three hundred of <sup>3</sup> Sixteen Pounds seventeen shillings & six pence be allowed & paid out of the publick Treasury to Cpt. John Gyles, to be by him paid to the other Persons born on this Roll, to whom the same is respectively due in full discharge thereof. [*Passed June 21.*]

## CHAPTER 113.

RESOLVE ALLOWING £3 TO ROW. DYKE.

Legislative  
Records of the  
Council, xiv.,  
100.

House Jour-  
nal, p. 39.  
*Ante*, p. 275,  
chap. 137.

A PETITION of Rowland Dyke Praying that he may be allowed the sum of Eleven Pounds which was cut off from his Accompt of entertaining the Indians the last Winter, & for a Perrywig took up at his Shop & worn about Town till it was spoiled.

Read & In answer to this Petition;

*Resolved* that the sum of Three Pounds be allowed & paid out of the publick Treasury to the Petitioner Rowland Dyke in full Satisfaction for the Wig within mentioned. [*Passed June 21.*]

## CHAPTER 114.

RESOLVE ALLOWING 38/ TO THO. ICELOP.

Legislative  
Records of the  
Council, xiv.,  
100.

House Jour-  
nal, p. 54.

AN ACCOMPT presented by Thomas Icelop<sup>4</sup> of the Ferriage of Men & Horses in his Majestys Service over Newbury Ferry in the Years 1723, 1724, & 1725, Amounting to the sum of £3. 3.

[Read and Accepted and]

*Resolved* that the sum of Thirty eight shillings be allowed & paid out of the publick Treasury to Cpt. John Foot, for the use of the Accountant Thomas Icelop in full discharge thereof. [*Passed June 21.*]

<sup>1</sup> The concurrence of the Council and the Governor's consent appear in the State Library copy, Legislative Records of the Council, xiv., 112. No appointment of members of the committee on the part of the Council is recorded.

<sup>2</sup> *Sic*, as to blank.

<sup>3</sup> "£." in the State Library copy, Legislative Records of the Council, xiv., 112.

<sup>4</sup> The House Journal reads, "*Islope*."

## CHAPTER 115.

RESOLVE ALLOWING £47. 19 TO REBEC. HOLMES.

AN ACCOMPT presented by Rebecca Holmes of Dining the Lieuten<sup>t</sup> Governor & Council on the Election Day, Entertaining Committees of the General Court &c, Amounting to the sum of £47. 19.

[Read and]

*Resolved* that the sum of Forty seven Pounds nineteen shillings be allowed & paid out of the publick Treasury to the Accomptant Rebecca Holmes in full discharge thereof. [*Passed June 21.*]

Legislative  
Records of the  
Council, xiv.,  
100.

House Jour-  
nal, p. 55.

## CHAPTER 116.

RESOLVE ALLOWING PAYMENT OF CPT. W<sup>m</sup> WOODSIDES MUSTER ROLL.

A MUSTER ROLL of the Garrison in his Majestys Service at Fort George at Brunswick, late under the Command of Cpt. William Woodside, Contain<sup>g</sup> an Accompt of Wages due to them for their Service from the 24<sup>th</sup> of Decem<sup>r</sup> to the 15<sup>th</sup> of Jan<sup>y</sup> 1727, Amounting to the sum of £20. 13. 5.

[Read and Accepted and]

*Resolved* that the sum of Twenty Pounds thirteen shillings & five pence be allowed & paid out of the publick Treasury to the Officers & Soldiers born on this Roll as the same is due in full discharge thereof; And that the further sum of Nine Pounds sixteen shillings & two pence be allowed & paid out of the publick Treasury to the said William Woodside in full discharge of his Accompt of Disbursements annexed to this Roll. [*Passed June 21.*]

Legislative  
Records of the  
Council, xiv.,  
101.

House Jour-  
nal, p. 54.

## CHAPTER 117.

RESOLVE ALLOWING £17. 10 TO SHER. WINSLOW.

AN ACCOMPT presented by M<sup>r</sup> Sheriff Winslow of sending Proclamations for proroguing & dissolving the General Assembly, & for a Fast, & the Treasurers Warrants into the Counties, Amounting to the sum of £17. 10.

[Read and Accepted and]

*Resolved* that the sum of Seventeen Pounds ten shillings be allowed & paid out of the publick Treasury to the Accomptant Edward Winslow Esq<sup>r</sup> in full discharge thereof. [*Passed June 21.*]

Legislative  
Records of the  
Council, xiv.,  
101.

House Jour-  
nal, p. 41.

## CHAPTER 118.

RESOLVE ALLOWING £18. 1 TO BENJ<sup>a</sup> ROLFE.

AN ACCOMPT presented by Benjamin Rolfe of Writing done for the publick from January last to this time, Amounting to the sum of £18. 1.

[Read and]

Legislative  
Records of the  
Council, xiv.,  
101.

House Journal,  
p. 56.

*Resolved* that the sum of Eighteen Pounds & one shilling be allowed & paid out of the publick Treasury to the Aecomptant Benjamin Rolfe in full discharge thereof. [*Passed June 21.*]

## CHAPTER 119.

VOTE ON CPT. JOS. KELLOGS MEM<sup>o</sup> IN REGARD TO HIS SISTER, TURNED ROMAN CATHOLIC AND BROUGHT AWAY FROM CANADA, AND INDIANS WHO HAD COME WITH HER.

Legislative  
Records of the  
Council, xiv.,  
101.

A MEMORIAL of Cpt. Joseph Kellog, Shewing that with much Persuasion he has brought his Sister from Canada, being obliged to take an Indian Man & Boy, with whom she lived, to make her easy, & to promise that he would use no Force with her to keep her from returning to Canada, she being bigotted to the Roman Catholick Religion; Praying that the said Indians may be sent away in such manner as may be for their Satisfaction, & the Court would use their Authority to prevent his Sisters Return

Read & In answer to this Petition,

*Voted* that his Honour the Lienten<sup>t</sup> Governor be desired to employ the Indian Man & Boy mentioned in this Memorial on an Errand or Message to the St<sup>t</sup> Francois Tribe, or to the Cagnawaga Tribe to whom they belong, or both those Tribes, by the way of the Eastern Country; And that Rebecea Kellog be suitably provided for & taken Care of during the said Indians Absence & their Return with an Answer; And that the sum of Forty Pounds be advanced & paid out of the publick Treasury for this purpose, to be improved so as to make the Messengers content & easy.<sup>1</sup> [*Passed June 21.*]

## CHAPTER 120.

ORDER ALLOWING £6. 5. 2 TO CPT. WM WOODSIDE.

Legislative  
Records of the  
Council, xiv.,  
101.

House Journal,  
p. 55.  
*Ante*, p. 248,  
chap. 69.

A MEMORIAL of Cpt. William Woodside, Shewing that whereas Part of his Wages, to the Amount of £6. 5. 2 was by an Order of this Court stop'd in the Treasury till he should make it appear that he had paid two promissory Notes under his hand to two several Indians; Which Notes are annexed to this Memorial with the Discharge endorsed, Therefore Praying for an Order to the Treasurer for his said Wages.

Read &

*Ordered* that the Prayer of the Petition be granted; And the Treasurer is directed to pay the Memorialist the sum of Six Pounds five shillings & two pence accordingly. [*Passed June 21.*]

## CHAPTER 121.

RESOLVE ALLOWING £5. 3 TO SAM<sup>l</sup> TYLEY.

Legislative  
Records of the  
Council, xiv.,  
102.

AN ACCOMPT presented by Samuel Tyley of Writing done for the Publick, Amounting to the sum of £5. 3.  
[Read and]

<sup>1</sup> Not found in the House Journal.



*Resolved* that the sum of Five Pounds, three shillings be allowed & paid out of the publick Treasury to the Accomptant Samuel Tyley in full Discharge thereof. [*Passed June 21.*]

House Journal, p. 56.

## CHAPTER 122.

### RESOLVE ALLOWING PAYMENT ON CPT. JAMES WOODSIDES MUSTER ROLL.

A MUSTER ROLL of the Garrison in his Majestys Service at Fort Mary at Winter Harbour under the Command of Cpt. James Woodside Containing an Account of Wages due to them for their said Service from <sup>1</sup> 1727, to <sup>1</sup> 1728; Amounting to the sum of £141. 7. 1.

Legislative Records of the Council, xiv., 102.

House Journal, p. 56.

[Read and Accepted and]

*Resolved* that the sum of One hundred & forty Pounds one shillings<sup>2</sup> & one peny<sup>3</sup> be allowed & paid out of the publick Treasury to the Officers & Soldiers born on this Roll to whom the same is respectively due in full discharge of the Wages thereof. [*Passed June 21.*]

## CHAPTER 123.

### RESOLVE ALLOWING £5. 8. 3 TO CPT. JAMES WOODSIDE.

AN ACCOMPT presented by Cpt. James Woodside of Disbursements at Fort Mary, while he was in Command there, for Gundaloe Hire & for a large Canoe for carrying Wood & Stores &c, Amounting to the sum of £8. 4. 3.

Legislative Records of the Council, xiv., 102.

House Journal, p. 56.

[Read and]

*Resolved* that the sum of Five Pounds eight shillings & three pence be allowed & paid out of the publick Treasury to the Accomptant James Woodside in full, The Article of Forty shillings for the Funeral being to be taken out of the Mans Wages, & Ten shilling in transporting Wood being over charged. [*Passed June 21.*]

## CHAPTER 124.

### ORDER ALLOWING CPT. BENJ<sup>A</sup> LARRABEE £4 PER MONTH.

A MEMORIAL of Cpt. Benjamin Larrabee, Commander of Fort George Setting forth that there is no Establishm<sup>t</sup> of the Wages of the Commanding Officer there, & Praying that his Wages may be stated at Four Pounds per Month. which is the Rate of Cpt. Gyles's Wages.

Legislative Records of the Council, xiv., 102.

House Journal, pp. 29, 30. *Ante*, p. 202, chap. 188.

Read &

*Ordered* that the Prayer of the Memorial be granted, And the Memorialist is allowed to enter him self at Four Pounds per Month on the Muster Roll now to be presented accordingly. [*Passed June 21.*]

<sup>1</sup> *Sic.*, as to blanks.

<sup>2</sup> *Sic.*

<sup>3</sup> The House Journal reads, £114. 7. 1, the Executive Records of the Council, ix., 69, reads, £140. 7. 1, and the State Library copy, Legislative Records of the Council, xiv., 115, reads, £141. 7. 1.

## CHAPTER 125.

ORDER RELATING TO ACCT<sup>r</sup> OF THE CHARGE ON TURKEY HILLS AFFAIR.

Legislative  
Records of the  
Council, xiv.,  
102.

House Jour-  
nal, p. 57.  
*Ante*, p. 334,  
chap. 99.

AN ACCOMPT presented by Jonathan Whitney of his own Time & Expence, & of the Time & Expence of the other Witnesses attending the Committ<sup>ee</sup> on the Turkey Hills Affair, Amounting to the sum of £60. 4. 9.

In the House of Represent<sup>ves</sup> Read &

*Ordered* that these Accompts Amounting to £60. 4. 9 are allowed; & that the sum of Sixty Pounds four shillings & nine pence be paid; viz, £22. 15. 9 to Jonathan Whitney, £37. 9 to Cpt. Samuel Willard, to be by him paid to whom it is due by Francis Fulham Esq<sup>r</sup> Mess<sup>rs</sup> Benjamin Whitamore, & John Shipley out of the sums they have raised for Transfers & Exchanges Agreeable to the Committ<sup>ees</sup> Report.

In Council; Read & Concur'd with the Deduction of Five Pounds one shilling from Jonathan Whitneys Accompt: In the House of Represent<sup>ves</sup> Read & Concur'd. [*Passed June 21.*]

## CHAPTER 126.

ORDER IMPOWERING BENJ<sup>A</sup> LARRABEE TO LAY OUT 100 ACRES OF LAND.

Legislative  
Records of the  
Council, xiv.,  
103.

House Jour-  
nal, p. 29.

A PETITION of Benjamin Larrabee of Falmouth Setting forth his Services & many Hardships he endured in divers Marches against the Indian Enemy, & the Infirmities of Body thereby occasioned, Praying for a Grant in the unappropriated Lands of the Province.

Read &

*Ordered* that the Petitioner be & hereby is allowed by a Survey<sup>r</sup> & Chain men on Oath to survey and lay out One hundred Acres of the unappropriated Lands of this Province lying in the County of York, & return a Plat thereof to this Court within twelve months for Confirmation to him his Heirs & Assigns. [*Passed June 21.*]

## CHAPTER 127.

## ORDER DIRECTING CPT. LARRABEE TO MAKE REPAIRS AT FORT GEORGE.

Legislative  
Records of the  
Council, xiv.,  
103.

House Jour-  
nal, pp. 31, 32.  
*Ante*, p. 111,  
chap. 290.

A MEMORIAL of Cpt. Joseph Hatch,<sup>1</sup> Shewing that whereas he was appointed by the Governm<sup>t</sup> to take Care of the Repairs of Fort George at Brunswick, he has not been able to attend that Affair, & Proposing that Cpt. Benjamin Larrabee the Commanding Officer there may be now directed to see the said Repairs effected.

Read &

*Ordered* that Cpt. Benjamin Larrabee of his Majestys Fort George at Brunswick be directed & impowered to effect the necessary Repairs there agreeable to the Direction formerly given to Cpt. Benjamin Hatch,<sup>1</sup> & that he lay an Accompt of the Charge before the Court. [*Passed June 21.*]

<sup>1</sup> Capt. Joseph Heath, in the State Library copy, Legislative Records of the Council, xiii., 116, and in the House Journal. See also *ante*, p. 111, chap. 290.

## CHAPTER 128.

## VOTE ON REPORT OF THE TRUSTEES FOR THE HASSANIMISCO INDIANS.

SPENCER PHIPS ESQ<sup>r</sup> from the Trustees of the Indian Proprietors of Hassanamisco gave in the following Report; viz,

Pursuant to the several Orders & Directions of the Hon<sup>ble</sup> Court the Trustees met with the Petitioners at Hassanamisco March 18. 1727, & having perused as well the Draught of a Deed prepared by the Petitioners to be signed by the Indians (with the Savings & Reservations therein contained,) as also the Draughts of two several Bonds or Obligations to be signed by each Purchaser (with good & sufficient Sureties,) viz, one to oblige each Purchaser to settle his Lot, bear & pay his Part towards the Settlement & Support of the Minister & School master &c, and the other for Payment of the Principal sum of the Purchase Consideration with the Interest at the Expiration of one year; The said Instruments comprehending (in our humble Opinion) the Mind of the Hon<sup>ble</sup> Court, being duly executed; And the English Purchasers having proceeded to lay out Lands there for a first Division; viz, Eighty Acres of Upland & eight Acres of Meadow to each English & Indian Proprietor. We have taken a diligent View & Observation of the several Divisions of Lands & Meadows (as shewn by the Purchasers) & are of Opinion that the Indians Dividends are (Agreeable to the Directions of the Hon<sup>ble</sup> Court) equal with those of the English; Which we hope will more fully appear when the Plans thereof are perfected. We further represent to this Hon<sup>ble</sup> Court, That soon after the Signing of the Deed Moses Printer (one of the Indian Proprietors) died, & likewise his Squaw, leaving four small Children, And upon inquiring into the Circumstances of that Family, We find that, besides a Gun & some small things, there is an Obligation of £120 Conditioned for the Payment of £60 to the said Moses his Heirs &c, on Septem<sup>r</sup> 29<sup>th</sup> next; Which Bond is in Keeping of one of the grown Daughters of the Deceased; And further that in our humble Opinion, the further Instructions of the Hon<sup>ble</sup> Court respecting the Conduct of the Indians the Improvem<sup>t</sup> of their Lands & Meadows & Prevention of Wast & Stroy<sup>1</sup> both of their Improvem<sup>ts</sup> & also of their Timber & Removal of any such Persons who do or may come to cohabit with the Indians or shelter themselves on their Lands, might be greatly to their Advantage. All which is humbly submitted.

SPENCER PHIPS  
EDW<sup>d</sup> GODDARD  
EPHR. CURTIS

June 19. 1728.

Read And

*Resolved* that the said Report be Accepted so far as relates to the Executing the Deeds, Letting out the Purchase Consideration & laying out the Lots of Upland & Meadow there: And as to what relates to the Bond of Sixty Pounds left by Moses Printer; For the better securing the same from being lost or squandered away,

*Ordered* that the aforementioned Trustees do take into their Custody the said Bond, & out of the Money accruing therefrom when recieved do discharge the Debts of the said Printer, which to them shall appear justly due, & that they divide the Remainder among the Children of the said Printer, Paying to the two Daughters which are of Age their proportion, & reserving in their hands the Shares of the young Children, to be applied toward their Maintenance; And that the said Trustees

Legislative  
Records of the  
Council, xiv.,  
103.

House Jour-  
nal, pp. 49, 50.  
*Ante*, p. 233,  
chap. 36; p. 299,  
chap. 3.

<sup>1</sup> *Sic.* See Century Dictionary.

be further directed & impowered to prevent any Person from intruding into or upon any of the Lands at Hassanimisco belonging to the Indians, from making any Strip or Wast of the Timber growing thereon, & from having any of the said Indians Upland or Meadow without the Approbation of the said Committee; & to prosecute in Course of Law all such as shall trespass in any of the Particulars afore mentioned. [*Passed June 21.*]

## CHAPTER 129.

### ORDER OF NOTICE ON THE PETITION OF PETER COFFIN & OTHERS OF NEWBURY IN REGARD TO GOODS DISTRAINED.

Legislative  
Records of the  
Council, xiv.,  
104.

House Jour-  
nal, p. 49.  
Province  
Laws, x., 717,  
chap. 397.

A PETITION of Peter Collin, John Atkinson & sundry other Inhabitants of Newbury, Complaining of divers irregular Proceedings of the Inhabitants of the new Parish there, as to the building & setting their Meeting house, & assessing the Petitioners & distraining for their Rates, altho the Petitioners can have no benefit by the said Meeting house And therefore Praying that their Goods taken by Distraint may be returned to them, & they exempted from the said Tax to the new Parish & they & their Families & Estates continued to the first Parish till some other way may be found out for their Relief.

Read &

*Ordered* that the Petitioners serve the new Parish in the Town of Newbury with a Copy of the Petition that so they shew cause, if any they have on the second Thursday of the next Session why the Prayer thereof should not be granted. [*Passed June 21.*]

## CHAPTER 130.

### RESOLVE ALLOWING £9. 5. 4 TO CPT. JAMES WOODSIDE.

Legislative  
Records of the  
Council, xiv.,  
105.

House Jour-  
nal, p. 56.  
*Ante*, p. 279,  
chap. 148.

A MEMORIAL of Cpt. James Woodside, Shewing that he supplied Cpt. James Grant with sundry things necessary for him in preparing to build the Truck house on Saco River, Amounting to £9. 5. 4 Praying for the Allowance of the same out of the publick Treasury

Read &

*Resolved* that the sum of Nine Pounds five shillings & four pence be allowed & paid out of the publick Treasury to Cpt. James Woodside to reimburse him the Advance above mentioned; For which the said Cpt. James Grant is to be accountable. [*Passed June 21.*]

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-FOURTH DAY OF JULY, A.D. 1728.

### CHAPTER 131.

RESOLVE ALLOWING 45/ TO JOS. BARTLET.

AN ACCOMPT of Joseph Bartlet of Northampton for Subsisting sundry Connecticut Soldiers under the Command of Cpt. Goodrich in the Year 1724, Amounting to the sum of £2. 5.

[Read and]

*Resolved* that the sum of Forty five shillings be allowed & paid out of the publick Treasury to M<sup>r</sup> Ebenezer Wright to be by him paid to the Accomptant Joseph Bartlet in full discharge thereof. [*Passed July 26.*]

Legislative  
Records of the  
Council, xlv.,  
109.

House Jour-  
nal, p. 4.

### CHAPTER 132.

RESOLVE ALLOWING £4. 15 TO CPT. JOS. HEATH.

AN ACCOMPT presented by Cpt. Joseph Heath of Money paid M<sup>r</sup> Samuel Denny of George Town for his Expences in entertaining four Eastern Indians, Amounting to the sum of £4. 15.

[Read and]

*Resolved* that the sum of Four Pounds fifteen shillings be allowed & paid out of the publick Treasury to the Memorialist Joseph Heath in full discharge thereof. [*Passed July 27.*]

Legislative  
Records of the  
Council, xlv.,  
109.

House Jour-  
nal, p. 4.

### CHAPTER 133.

ORDER ON THE PETITION OF DIVERS INHAB<sup>TS</sup> OF BILLERICA &c TO  
BE MADE A NEW TOWN.

ON THE PETITION of divers Inhabitants of Concord Billerica & Lexington, Praying to be made a Precinct [*ante*, p. 329, chap. 83]

Read together with the Answer of Billerica &c

And

*Ordered* that the Committee appointed by this Court on the Petition of the Inhabitants of Wameseek Purchase to view the said Lands &c at the same time repair to the Lands of these Petitioners that belong to the Town of Billerica, & that they carefully view & consider the Situation and Circumstances, seasonably notifying the Town of Billerica of the Time of their Coming; & that they hear & consider the

Legislative  
Records of the  
Council, xlv.,  
111.

House Jour-  
nal, p. 9.  
*Ante*, p. 309,  
chap. 28; p. 329,  
chap. 83.

Allegations of the Parties in the Affair, & report to this Court at their next Fall Session, Whether they judge it reasonable that the Petitioners be set off & constituted a separate Township or Precinct; The Charge of the Committee to be born by the Petition<sup>rs</sup> belonging to the Town of Billerica. [*Passed July 29.*]

## CHAPTER 134.

VOTE AS TO NEW HAMPSHIRE'S PART OF THE CHARGES AT ST GEORGES.

Legislative  
Records of the  
Council, xiv.,  
111.

Legislative  
Records of the  
Council, xii.,  
421, 424. House  
Journal, p. 9.

*Voted* that M<sup>r</sup> Treasurer Allen be & hereby is directed to wait on his Honour Lieut. Governor Wentworth of New Hampshire, who is now in the Town of Boston & desire that he would take speedy & effectual Care that that Governm<sup>t</sup> do remit into the publick Treasury of this Province one third Part of the Charge the Province was at in the Year 1725, in supplying the Commissioners that went to St Georges River to treat with the Indians, with Necessaries for their going thither & returning home; The governm<sup>t</sup> of New Hampshire having sent a Commissioner there with ours to treat with the Indians, & promised to reimburse this Government one third Part of said Charge; And that M<sup>r</sup> Treasurer deliver his Honour Lieuten<sup>t</sup> Governor Wentworth an Account of said Charge accordingly. [*Passed July 29.*]

## CHAPTER 135.

VOTE FOR ADJOURNING THE SUP<sup>R</sup> COURT IN MIDDLESEX.

Legislative  
Records of the  
Council, xiv.,  
112.

House Jour-  
nal, p. 11.

WHEREAS several Members of the Hon<sup>ble</sup> Board are now at the Superior Court, sitting at Cambridge;

*Voted* that a Message go from this Court to the Justices of the said Court to acquaint them, That it is desired that they do forthwith adjourn their Court, & give their Attendance here upon the urgent Affairs of the Province. [*Passed July 30.*]

## CHAPTER 136.

RESOLVE ALLOWING £16. 7. 3 TO ROW. DYKE AND 6/ PER DIEM PER MAN FOR INDIANS.

Legislative  
Records of the  
Council, xiv.,  
113.

House Jour-  
nal, p. 12.

AN ACCOMPT presented by Rowland Dyke of the Charge of subsisting the Indian Messengers from the Eastern Tribes in June last, with Liquors, Tobaceo &c, Amounting to the sum of £16. 7. 3.

[*Read and Accepted and*]

*Resolved* that the sum of Sixteen Pounds seven shillings & three pence be allowed & paid out of the publick Treasury to the Accomptant Rowland Dyke in full discharge thereof; &

*Voted* that when any Indians for the future come upon publick Business there be allowed no more than six shillings per Diem for Subsistence while here.<sup>1</sup> [*Passed July 31.*]

<sup>1</sup> The Secretary's record closes "Consented to, W<sup>m</sup> Dummer," a mistake for W<sup>m</sup> Burnet, who entered upon the office of Governor on July 24, 1728. In the State Library copy, Legislative Records of the Council, xiv., 127, the consent is correctly given.

## CHAPTER 137.

RESOLVE ALLOWING £136. 3. 10 TO JOHN LYDIUS.

AN ACCOMPT presented by M<sup>r</sup> John Lydius of Montreal of Cash supplied Cpt. Joseph Kellog for the Subsistence of him self & his Men at Canada the last Winter in the Service of this Province, Amounting in Bills of Credit to the sum of £136. 3. 10.

[Read and Accepted and]

*Resolved* that the sum of One hundred & thirty six Pounds three shillings & ten pence be allowed, & paid out of the publick Treasury to the Accomptant John H Lydius in full discharge thereof; And further that M<sup>r</sup> Treasurer be directed to deliver to the Indians mentioned in the Memorandum to the Accompt annexed the four Blankets of Strouds for their Service to John Sergeant. [*Passed July 31.*]

Legislative  
Records of the  
Council, xiv.,  
113.

House Jour-  
nal, pp. 11, 12.  
*Ante*, p. 331,  
chap. 87.

## CHAPTER 138.

RESOLVE ALLOWING £20. 11. 2 TO CPT. JOHN GYLES.

AN ACCOMPT presented by Cpt. John Gyles of Disbursements for Provisions &c to the Indians, sent by the Tribes to the Cape Sables Indians, and Subsistence allowed their Families in the Time of their Absence, Amounting to the sum of £20. 12. 2.

[Read and Accepted and]

*Resolved* that the sum of Twenty Pounds eleven shillings & two pence be allowed & paid out of the publick Treasury to the Accomptant Cpt. John Gyles in full discharge thereof.<sup>1</sup> [*Passed July 31.*]

Legislative  
Records of the  
Council, xiv.,  
114.

House Jour-  
nal, p. 12.

## CHAPTER 139.

ORDER DIRECTING M<sup>r</sup> TREASURER ALLEN TO SUPPLY STORES FOR CPT. JN<sup>o</sup> GYLES AT S<sup>t</sup> GEORGES RIVER.

AN INDENT presented by Cpt. John Gyles of sundry Stores & other Necessaries for the Use of the Garrison at S<sup>t</sup> Georges.

Read &

*Ordered* that M<sup>r</sup> Treasurer Allen be directed to furnish & supply Cpt. John Gyles with the Particulars mentioned in the within Indent, for the use of the Block house at S<sup>t</sup> Georges River. [*Passed July 31.*]

Legislative  
Records of the  
Council, xiv.,  
114.

House Jour-  
nal, p. 12.

## CHAPTER 140.

RESOLVE ALLOWING £20 TO M<sup>r</sup> JN<sup>o</sup> LYDIUS AND A FURTHER SUM OF £10 TO TWO INDIANS.

*Resolved* that the sum of Thirty Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> John H Lydius of Mont Real; Twenty Pounds, part thereof in consideration of his good Services to this

Legislative  
Records of the  
Council, xiv.,  
114.

<sup>1</sup> The Secretary's record closes "Consented to, W<sup>m</sup> Dummer," a mistake for W<sup>m</sup> Burnet, who entered upon the office of Governor on July 24, 1728. In the State Library copy, Legislative Records of the Council, xiv., 128, the consent is correctly given.

House Journal, p. 13.  
*Ante*, p. 347,  
 chap. 137.

Province; & Ten Pounds, the Remainder thereof, to be by the said Lydius paid to the two Cagnawaga Indians, who accompanied him from Canada here on account of their distinguishing them selves as attached to the English Interest, The Ten Pounds to be paid in such things as will be most acceptable to the Indians in equal Proportion.<sup>1</sup> [*Passed July 31.*]

## CHAPTER 141.

### ORDER ACCEPTING REPORT ABOUT THE MEETING HOUSE AT TURKEY HILLS.

Legislative  
 Records of the  
 Council, xiv.,  
 113.

House Journal, p. 10.  
*Ante*, p. 281,  
 chap. 155.

THE REPORT of the Committee appointed by the Great & General Court at their Session January 1727, upon the Petition of Josiah Willard & others Inhabitants of Turkey Hills. Pursuant to the Order of said Court the Committee repaired to the South Turkey Hills, & upon a diligent View of the Situation of said Town & Consideration of the Circumstances of the Inhabitants are humbly of Opinion that there be a Meeting house erected & set up on the upper End of the Lot Number Eleven called Fellows Lot between a Poplar Tree marked, & a great Rock with Stones placed thereon; the House to be of the following Dimensions; viz, Forty feet in length, thirty feet in width, & nineteen feet Stud; And that there be suitable High ways where they are wanting laid to said Meeting house laid to all Parts of the s<sup>d</sup> Town & that where any of the Inhabitants may be dammified by the Land improved for the Meeting house or Ways leading thereto, that they have suitable Recompence for the same out of the undivided Lands of the said Town.

In the Name of the Comm<sup>tee</sup>

JOHN CHANDLER

Read &

*Ordered* that this Report be accepted, & that the Meeting house in the South Town in Turkey Hills be placed & built accordingly. [*Passed July 31.*]

## CHAPTER 142.

### ORDER IMPOWERING SION AND MARY ARNOLD TO SELL LAND.

Legislative  
 Records of the  
 Council, xiv.,  
 114.

House Journal, p. 16.  
 Province  
 Laws, vi., 134,  
 No. 60.

A PETITION of Sion Arnold of Newport in the Colony of Rhode Island & Mary his Wife, Shewing that the said Mary by Vertue of the last Will & Testament of her Father Thomas Ward is seized of one half Part of several Lots of Land, in the Township of Little Compton within this Province, which she holds in Fee Tail; that her Sister Margaret Wrightington held the other half of the said Lands in the same manner, & by vertue of an Act of this Province pass'd in the Year 1721, made Sale of her Part of the said Lots; by which means the Petitioners Lands are become in a manner useless & unprofitable to the Petitioners; And foras much as M<sup>r</sup> Richard Ward Brother to the Petitioner (to whom the said Lands must come, in case the Petitioners should dy without Heirs of the Body of the said Mary) hath consented to the Sale of the said Lands; Therefore Praying that this Court would empower them to sell the said Lands in Little Compton, Notwithstanding the Devise in the Will of her Father.

<sup>1</sup> The Secretary's record closes "Consented to, W<sup>m</sup> Dummer," a mistake for W<sup>m</sup> Burnet, who entered upon the office of Governor on July 24, 1728. In the State Library copy, Legislative Records of the Council, xiv., 128, the consent is correctly given.



Read & Forasmuch as it appears that Richard Ward, (unto whom the Remainder of the Lands mentioned in the Petition are devised, in case the Petitioner Mary dy without Issue) hath consented to the Sale thereof;

*Ordered* that the Prayer of the Petition be granted, & that the Petitioners be & hereby are impowered to make Sale of the said Lands, & to execute a good Deed or Deeds for the same, Any thing contained in the Will of Thomas Ward, the Petitioners Father, or Any Law, Usage or Custom to the contrary notwithstanding. [*Passed August 1.*]

## CHAPTER 143.

ORDER IMPOWERING THE REPRESENTATIVE OF EBENEZER WHITE, DECEASED, TO SIGN A DEED.

A PETITION of John French, Benjamin Slack & Abigail French all of Attleborough in the County of Bristol Shewing that in the Year 1726, a Contract was made between M<sup>r</sup> Ebenezer White of said Attleborough & the said Benjamin Slack for the Exchange of twelve Acres and an half of the said Whites Land for ten Acres of the said Slacks, & the Deeds accordingly drawn but not executed by reason of the Death of the said White, which happened before the Matter could be perfected, Therefore Praying that the said Abigail French formerly the Widow of the said White, may be impowered to execute the said Contract as fully & effectually as her late Husband M<sup>r</sup> White might and would have done in his Life time.

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the Executor or Administ<sup>r</sup> of the Rev<sup>d</sup> M<sup>r</sup> Ebenezer White Dec<sup>d</sup> be & hereby is fully authorized & impowered to sign, seal and deliver a Deed of Sale or Exchange of the Lands within mentioned, as fully & amply as if the same had been done by the said Ebenezer White in his Life Time, Provided the said Deed, as also the Deed to be executed by the other Parties be approved of by George Leonard Esq<sup>r</sup> one of his Majestys Justices of the Peace for the County of Bristol; Any Law, Usage, or Custom to the contrary notwithstanding. [*Passed August 1.*]

Legislative  
Records of the  
Council, xiv.,  
115.

House Jour-  
nal, p. 15.

## CHAPTER 144.

ORDER IMPOWERING ARTH. BRAGDON TO LAY OUT 100 ACRES OF LAND.

A PETITION of Arthur Bragdon Praying for a Grant of a Tract of the unappropriated Lands of this Province in consideration of his many Marches & good Services of the Province in y<sup>e</sup> late Wars against the French & Indians.

Read & In answer to this Petition,

*Ordered* that the Petitioner be allowed & impowered by a Surveyour & Chain men on Oath to lay out One hundred Acres of the unappropriated Lands lying & being in the County of York, & that he return a Plat thereof to this Court in their next May Session for Confirmation, Provided it does not interfere with the proposed Line of Towns nor any former Grant.<sup>1</sup> [*Passed August 1.*]

Legislative  
Records of the  
Council, xiv.,  
115.

House Jour-  
nal, pp. 9, 10.

<sup>1</sup> The Secretary's record closes "Consented to, W<sup>m</sup> Dummer," a mistake for W<sup>m</sup> Burnet, who entered upon the office of Governor on July 24, 1728. In the State Library copy, Legislative Records of the Council, xiv., 130, the consent is correctly given.

## CHAPTER 145.

## ORDER RENEWING JOS. MOULTONS LICENSE AS AN INN KEEPER.

Legislative  
Records of the  
Council, xiv.,  
115.

House Jour-  
nal, p. 15.

A PETITION of Joseph Moulton of Berwick in the County of York, Shewing that he obtained the Approbation of the Select men of the said Town for his Keeping a Tavern, but thro' some Information the Justices of the said County were pleased to deny him a Licence; And Praying that this Court would empower the said Justices at their next General Sessions to renew the Petitioners Licence to keep a Tavern in the said Town.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Justices of the Peace in the County of York be & hereby [are]<sup>1</sup> authorized & empowered, if they see Cause, in their next General Sessions, to renew the Petitioners Licence to be a Tavern Keeper in Berwick; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed August 1.*]

## CHAPTER 146.

## ORDER GRANTING A LICENCE AS INN KEEPER TO JOHN SALE.

Legislative  
Records of the  
Council, xiv.,  
116.

House Jour-  
nal, p. 13.

A PETITION of John Sale of Boston, Shewing that he obtained the Approbation of the Select men of the said Town for his Keeping a Tavern, but the Justices were pleased to refuse to grant him a Licence; And therefore Praying that this Court would enable & direct the Justices of the Peace for the County of Suffolk or some of them to grant him a Licence to keep an Inn or Tavern in the House where he now dwells, he giving Recognizance as the Law in that case provides.

Read &

*Ordered* that the Prayer of the Petition be granted, & that it shall & may be lawful for one or more of the Justices of the Peace for the County of Suffolk, And they are accordingly empowered & directed, together with the Clerk of the Court of General Sessions of the Peace for said County, to give a Licence to the Petitioner to keep a Tavern, & take a Recognizance of him for the due Observation of the Laws in that case made & provided, Any Law, Usage or Custom to the contrary notwithstanding. [*Passed August 1.*]

## CHAPTER 147.

RESOLVE ALLOWING £83 TO CPT. SAM<sup>L</sup> JORDAN.

Legislative  
Records of the  
Council, xiv.,  
116.

Mass.  
Archives,  
cxliii., 383.  
House Jour-  
nal, pp. 13, 15.  
*Ante*, p. 241,  
chap. 53.

A PETITION of Cpt. Samuel Jordan of Biddeford Praying for an Allowance for his Service in managing the Indian Trade at Biddeford aforesaid, & for the use of his House in that Service for about twelve months past, which has been to his great Trouble & with much Inconvenience to his Family

Read &

*Resolved* that the sum of Eighty three Pounds be allowed & paid out

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 130.

of the publick Treasury to Cpt. Samuel Jordan (In answer to this Memorial) in full discharge of his Service, as Truck master, & the Trouble given to his House on that Account.<sup>1</sup> [*Passed August 1.*]

## CHAPTER 148.

RESOLVE ALLOWING £12 PER ANNUM FOR 3 YEARS TO JOS<sup>A</sup> JOHNSON.

A PETITION of Josiah Johnson, Shewing that he is still so much disabled by the Wounds he received from the Indians at Pigwacket that he is become a Cripple & incapable of providing for him self, And therefore Praying for an annual Stipend for his Support.

Legislative  
Records of the  
Council, xiv.,  
116.

Read [and Accepted] &

*Resolved* that there be allowed & paid out of the publick Treasury to the Petitioner Josiah Johnson the Sum of Twelve Pounds per Annum for & during the Space of three Years next to be accounted & begin from the last May Session in consideration of his Disability occasioned by the Wound he received in the Service of the Province. [*Passed August 1.*]

House Jour-  
nal, p. 15.  
*Ante*, p. 166,  
chap. 79.

## CHAPTER 149.

RESOLVE ALLOWING £4. 14. 6 TO ZECH<sup>A</sup> TRESCOT.

AN ACCOMPT presented by Zechariah Trescot for Subsistence and Cloathing of an Indian Hostage, as also Victuals & Drink supplied James Nap, one ransomed from the Indians, Amounting to the sum of £4. 14. 6.

Legislative  
Records of the  
Council, xiv.,  
117.

[Read and Accepted and]

*Resolved* that the sum of Four Pounds fourteen shillings & six pence be allowed & paid out of the publick Treasury to the Accomptant Zechariah Trescot in full discharge thereof. [*Passed August 1.*]

House Jour-  
nal, p. 15.  
*Ante*, p. 305,  
chap. 17.

## CHAPTER 150.

VOTE SETTING OFF THE LANDS AND ESTATES OF JOS. WHITE & OTHERS INTO A NEW PRECINCT.

A PETITION of Joseph White & twenty five others Inhabitants of a Tract of land lying on the Southerly Side of Mount Holyoke in the County of Hampshire, Setting forth their Difficulties by reason of their remoteness from the Place of public Worship in the Town of Hadley, where they belong & the convenient Situation & good Circumstances of the Lands & Inhabitants to be made a Precinct, And therefore Praying that they may be set off a separate Precinct by the following Lines; viz, From the South Side of Mount Holyoak to Springfield Bounds & from Connecticut River Westerly to the Equivalent Lands Easterly; & that all the Lands within the said bounds may be taxed for the support of the Ministry there.

Legislative  
Records of the  
Council, xiv.,  
117.

House Jour-  
nal, pp. 16, 18.

<sup>1</sup> The Governor's consent is given in the State Library copy, Legislative Records of the Council, xiv., 131, but not in the Secretary's. The sum was paid (Mass. Archives, cxiii., 383), which, of course, is conclusive of the Governor's consent.

Read together with the Answer of the Town of Hadley thereto, And the House having had due Consideration thereon;

*Voted* that the Prayer of the Petition be granted, & that the Petitioners with their Lands & Estates as well as the other Lands contained within the Limits bounded in the within Petition, be & hereby are set off a separate & distinct Precinct, & endowed with equal Powers, Privileges & Immunities with any other Precinct in this Province, Provided the Petitioners within the space of three years from this time erect & finish a suitable House for the public Worship of God & settle a learned orthodox Minister among them, & provide for his comfortable & honourable support; And all the Lands within the said Precinct laid out & not improved are hereby subjected to a Tax of one half peny per Acre per Annum for & during the space of three years next coming for & towards the support of the Ministry there: And Mr Daniel Nash, a principal Inhabitant in said Precinct is hereby fully authorized & empowered to notify the Free holders & other Inhabitants of said Precinct to assemble & convene to chuse Precinct Officers to stand until the next Anniversary Election. [*Passed August 1.*]

## CHAPTER 151.

### ORDER FOR A TOWN MEETING AT LUNENBURG.

Legislative  
Records of the  
Council, xiv.,  
117.

House Jour-  
nal, pp. 17, 18.

*Ordered* that Cpt. Josiah Willard, a principal Inhabitant of the Town of Lunenburg be & hereby is empowered and directed to assemble the Freeholders & other Inhabitants of said Town to convene as soon as soon as <sup>1</sup> may be to elect & chuse Town Officers there to stand until the Anniversary Meeting in March next. [*Passed August 2.*]

## CHAPTER 152.

### ORDER ON ANNEXING THE ESTATE OF MOSES CURTIS TO BRAINTREE.

Legislative  
Records of the  
Council, xiv.,  
118.

House Jour-  
nal, p. 18.  
*Ante*, p. 333,  
chap. 94.

ON THE PETITION of Moses Curtis of Stoughton, [*ante*, p. 333, chap. 94]

Read, And it appearing that the Town of Stoughton have declined giving any Answer to this Petition,

*Ordered* that the Prayer thereof be granted, & that the Petitioner with his Family & Estate be set off from the Town of Stoughton & annexed to the South Parish in Brantrey, so far as relates to the support of the Ministry, and for the future he be accordingly taxed to the said South Precinct in Brantrey, & exempt from paying Taxes at Stoughton as to his Ministerial Charges. [*Passed August 2.*]

## CHAPTER 153.

### VOTE FOR PROVIDING FOR THE GOV<sup>RS</sup> TABLE.

Legislative  
Records of the  
Council, xiv.,  
118.

*Voted* that the Committee appointed to make Provision for the Reception, & Entertainm<sup>t</sup> of his Excellency the Governor be desired & empowered to proceed in making further Provision for his Excellencies

<sup>1</sup> *Sic.*

Table, till his Removal into the Province House; and to enable them herein, That M<sup>r</sup> Treasurer be directed to supply them with a sum not exceeding One hundred Pounds, to be used as Occasion requires. For which the said Committee is to be accountable. [*Passed August 2.*]

House Jour-  
nal, p. 17.  
*Ante*, p. 258,  
chap. 91; p. 279,  
chap. 146.

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## CHAPTER 154.

### ORDER APPOINTING A COMMITTEE TO SETTLE THE NORTH TOWN NEAR TURKEY HILLS.

A VOTE of the Proprietors of North Town at Turkey Hills (pass'd at a Meeting held at Concord on the 23<sup>d</sup> Day of July 1728) appointing Joseph Stephens, Joshua Fletcher, Andrew Spaulding, Timothy Heald & Jonathan Melvin, a Committee for inspecting & settling said Town.

Legislative  
Records of the  
Council, xiv.,  
118.

House Jour-  
nal, p. 16.  
*Ante*, p. 329,  
chap. 85.

Read &

*Ordered* that the Choice of the said Committee be accepted & hereby confirmed. [*Passed August 2.*]

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## CHAPTER 155.

### RESOLVE ALLOWING £30 TO MARG. ROBBINS.

A PETITION of Margaret Robins, Relict Widow of Lieut. Jonathan Robins, Shewing that her said Husband was killed by the Indians at Pigwacket, in the Fight under Cpt. John Lovewell, that she hath five small Children left by her said Husband & little or nothing to support them, And therefore Praying for some Allowance from this Court for the Support & Maintenance of her young Children.

Legislative  
Records of the  
Council, xiv.,  
118.

House Jour-  
nal, p. 17.

Read [and Accepted] &

*Resolved* that the sum of Thirty Pounds be allowed & paid out of the publick Treasury to the Petitioner Margaret Robins for the Support & Relief of her & her Family in their present necessitous Cir[cu]mstances. [*Passed August 2.*]

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## CHAPTER 156.

### RESOLVE ALLOWING £70 TO LUKE VARDY.

A PETITION of Luke Vardy of Boston, Praying that he may be allowed the sum of One hundred Pounds for an Indian Servant bought by him, she being taken Captive in the late War, & was taken from him by Order of the Governm<sup>t</sup> to be returned to the Eastern Tribes, & set at Liberty.

Legislative  
Records of the  
Council, xiv.,  
119.

House Jour-  
nal, pp. 17, 19.

[Read and Accepted and]

*Resolved* that the sum of Seventy Pounds be allowed & paid out of the publick Treasury to the Petitioner Luke Vardy in full consideration of the Servant within mentioned. [*Passed August 3.*]

## CHAPTER 157.

VOTE REFERRING WM VINNINGS PETITION IN REGARD TO HIS IMPRISONMENT TO THE NEXT SESSION. NOTICE TO BE GIVEN.

Legislative  
Records of the  
Council, xiv.,  
119.

House Jour-  
nal, p. 19.

A PETITION of William Vinning, Setting forth several Hardships done to him by Cpt. Francis Barker & Cpt. Richard Bourn, while in the Service Eastward, by detaining him notwithstanding he procured a Man to stand in his room, & obliging him to sign a Bond of Six Pounds payable to the said Barker in order to obtain his Discharge, & that he is now in Prison for the said Bond, Praying for Relief from this Court.

Read [and Accepted] &

*Voted* that this Petition be refer'd to the next Session for further Consideration, & that in the mean time the Petitioner serve Cpt. Francis Barker & Cpt. Richard Bourn with Copies of this Petition that so they may make Answer to the Complaint therein contained, if they see cause on the first Fryday of the next Session. [*Passed August 3.*]

## CHAPTER 158.

RESOLVE IMPOWERING THE PROPRIET<sup>RS</sup> OF PENNICOOK TO EXTEND SOUTH BOUNDS OF SAID TOWN.

Legislative  
Records of the  
Council, xiv.,  
120.

House Jour-  
nal, p. 21.  
*Ante*, p. 48,  
chap. 117; p. 53,  
chap. 134.

*Resolved* that in consideration of the Five hundred Acres of Land formerly confirmed by this Court to satisfy a Grant made to the late Governor Endicot, which falls within their Boundaries, the Settlers be & hereby are allowed & empowered by a Survey<sup>r</sup> & Chain men on Oath to extend the South Bounds of that Township One hundred & thirty rods the full breadth of their Town; And the One hundred Rods of Land is accordingly granted & confirmed unto them as an Equivalent for the aforesaid five Hundred Acres of Land. [*Passed August 6.*]

## CHAPTER 159.

RESOLVE ALLOWING £90 TO SAM<sup>L</sup> SEWALL ESQ<sup>E</sup>.

Legislative  
Records of the  
Council, xiv.,  
120.

House Jour-  
nal, p. 21.

A MEMORIAL of Samuel Sewall Esq<sup>r</sup> Praying that this Court would take Care of the Payment of the Rent due to him for the Hire of a Pasture & Stable for the use of the Govern<sup>r</sup> of this Province from the 25<sup>th</sup> of March 1722, until this time.

Read & In answer to this Memorial,

*Resolved* that the sum of Ninety<sup>1</sup> Pounds be allowed & paid out of the publick Treasury to the Memorialist Samuel Sewall Esq<sup>r</sup> for six years Rent of the Stable & Land within mentioned, at fifteen Pounds per Annum, which determined the 25<sup>th</sup> of March last; And further That M<sup>r</sup> Treasurer Allen be directed to agree with the Memorialist for the Rent of the Premises for the Year Currant after the most prudent Method he can. [*Passed August 6.*]

<sup>1</sup> The House Journal reads, £80, corrected in the margin to £90, in a hand of the time.

## CHAPTER 160.

## RESOLVE GRANTING LAND TO CPT. LOVEWELLS SOLDIERS.

A PETITION of David Melvin, & William Ayer for themselves & a Number of other Persons who served as Volunteers against the Indians in the late War under the Command of Cpt. John Lovewell, Praying that a Tract of the Province Land for a Township may be granted them in consideration of their Services which they have done & the great Difficulties which they have undergone in the War.

[Read, and Accepted and] In Answer to this Petition

*Resolved* That the Contents of Six Miles Square of Land lying and being on each Side of Merrimack River of the Same breadth from the River as the Township of penny Cook is to begin where penny Cook new Grant determines which is One hundred Rods to the Southward of their first Grant, and thence to extend the Lines of the East and West bounds on Right Angles until the Six Miles square of Lands shall be compleated as aforesaid, be and hereby is granted unto the Forty Seven Soldiers, and the legal Representatives of Such of them as are Since deceased who marched out with the said Cap<sup>t</sup> Lovewell himself included when he engaged the Indian Enemy at Pigwackett, and also to the first thirteen of the Sixty two men who were in the first March with the said Lovewell and not in the pigwackett March who shall first offer and in their own persons Settle upon the Land shall be also Admitted equal sharers & proprietors with the Forty Seven above mentioned making Sixty in the Whole, and that there be also granted three other full shares or Lotts out of the said Six Miles square equal to any of the Sixty Viz<sup>t</sup> One for the first Settled Minister there, One for the Ministry, and One for the Use of the School, that the petitioners have Leave by a Surveyor and Chain Men on Oath to Survey and lay out the said Grant of Land, and return a platt thereof to this Court in their next May Session, that so the Same may be put under Such Restrictions and Limitations for the effectual Settlement thereof as may be then thought proper in order for the Confirmation of the Grant, the whole Charge to be by<sup>1</sup> born by the Sixty Grantees first mentioned. [*Passed August 6.*]

Legislative  
Records of the  
Council, xiv.,  
121. Mass.  
Archives,  
lxxii., 284.

Mass.  
Archives,  
lxxii., 282.  
House Jour-  
nal, p. 21.  
Province  
Laws, x., 587,  
chap. 24.  
*Ante*, p. 48,  
chap. 117.

## CHAPTER 161.

## RESOLVE ALLOWING £300 TO GOVERNOR BURNETT.

*Resolved* that the sum of Three hundred Pounds be allowed & paid out of the publick Treasury to His Excellency William Burnet Esq<sup>r</sup> Captain General & Govern<sup>r</sup> in Chief of this his Majestys Province for defraying the Charge he has been at in coming to this Government. [*Passed August 7.*]

Legislative  
Records of the  
Council, xiv.,  
121.

Legislative  
Records of the  
Council, xiv.,  
111 *ter*, 112 *bis*,  
House Jour-  
nal, p. 22.

<sup>1</sup> The word "by" does not occur in Legislative Records of the Council.

## CHAPTER 162.

ORDER GRANTING TO JOHN WATSON A LICENSE TO KEEP A TAVERN.

Legislative  
Records of the  
Council, xiv.,  
123.House Jour-  
nal, p. 24.

A PETITION of John Watson of Arundel in the County of York, Praying that the Justices of the said County may be impowered to grant him a Licence to keep a Tavern in said Town.

Read &amp;

*Ordered* that the Prayer of the Petition be so far granted as that it shall be lawful upon the Petitioners producing the Approbation of the Selectmen of the said Town for the Justices of the Peace for the County of York in their next General Sessions of the Peace to be held for said County, to grant a Licence to the Petitioner to keep a Tavern in Arundel for the year ensuing if they see Cause; Any Law, Usage or Custom to the Contrary Notwithstanding. [*Passed August 8.*]

## CHAPTER 163.

RESOLVE ALLOWING £61. 6. 9 TO SHER. WINSLOW.

Legislative  
Records of the  
Council, xiv.,  
124.House Jour-  
nal, p. 26.  
*Ante*, p. 337,  
chap. 110.

AN ACCOUNT presented by Edward Winslow Esq<sup>r</sup> of Expences in a Journey to Bristol, & Attendance of the Gentlemen on his Excellency the Governor from thence to Boston, Amounting to the Sum of £261. 6. 9 Advanced £200 Remains to ballance £61. 6. 9.

[Read and Accepted and]

*Resolved* that the sum of Sixty one Pounds six shillings & nine pence be allowed & paid out of the publick Treasury to the Accomptant Edward Winslow Esq<sup>r</sup> to be by him repaid to the Persons to whom the same is due in full discharge thereof. [*Passed August 9.*]

## CHAPTER 164.

ORDER GRANTING SUSAN. HOBBS A LICENSE TO RETAIL LIQUOR.

Legislative  
Records of the  
Council, xiv.,  
125.House Jour-  
nal, p. 27.

A PETITION of Susannah Hobbs, Widow of John Hobbs, late of Boston Dec<sup>d</sup> Shewing that her said Husband had a Licence to retail strong Drink, & that the Select men of the said Town had no Objection against his Licence being renewed, but before the Time of granting Licences this year he died; And for as much as the Petitioners whole Dependance for her Livelihood is on that Trade, Therefore Praying that this Court would grant her a Licence to sell strong Drink by Retail for the present Year, she giving Bond as usual in such Cases.

Read &amp;

*Ordered* that the Prayer of the Petition be so far granted, as that upon the Petitioners producing an Approbation from the Select men of Boston the Justices for the County of Suffolk be impowered to grant her a Licence in their next General Sessions, to be a Retailer of strong Liquors; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed August 9.*]



## CHAPTER 165.

RESOLVE ALLOWING £290. 5 TO COLL. NATH<sup>L</sup> PAYNE.

AN ACCOMPT presented by Nathaniel Payne Esq<sup>r</sup> of sundry Disbursements<sup>ts</sup> & Charges for the Reception & Entertainm<sup>t</sup> of his Excellency the Governor in the Town & County of Bristol, Amounting to the sum of £290. 5.

Legislative  
Records of the  
Council, xiv.,  
125.

House Jour-  
nal, pp. 26, 27.  
*Ante*, p. 337,  
chap. 110.

[Read, and Accepted and]

*Resolved* that the sum of Two hundred & ninety Pounds five shillings be allowed & paid out of the publick Treasury to the Accountant Nathaniel Payne Esq<sup>r</sup> to be by him repaid to whom it is due in full discharge thereof. [*Passed August 9.*]

## CHAPTER 166.

RESOLVE ALLOWING £31. 16. 9 TO CPT. JAMES WOODSIDE.

AN ACCOMPT presented by Cpt. James Woodside of Disbursements<sup>ts</sup> for the Repairs of Fort Mary; Amounting to the sum of £33. 16. 9.

Legislative  
Records of the  
Council, xiv.,  
125.

[Read and]

*Resolved* that the sum of Thirty one Pounds sixteen shillings & nine pence be allowed & paid out of the publick Treasury to Cpt. James Woodside in full discharge thereof. [*Passed August 9.*]

House Jour-  
nal, pp. 7, 12,  
22, 24, 27.

## CHAPTER 167.

RESOLVE ALLOWING £87. 12. 9 TO JOSH. FISHER.

AN ACCOMPT presented by Joshua Fisher of Dedham Inn holder, of Expences at his House at the Time when his Excellency the Governor came from Bristol to Boston, Amounting to the sum of £93. 2. 9.

Legislative  
Records of the  
Council, xiv.,  
125.

[Read, and Accepted and]

*Resolved* that the sum of Eighty seven Pounds twelve shillings & nine pence be allowed & paid out of the publick Treasury to the Accountant Joshua Fisher in full discharge thereof. [*Passed August 9.*]

House Jour-  
nal, p. 27.  
*Ante*, p. 337,  
chap. 110.

## CHAPTER 168.

RESOLVE ALLOWING £34. 5 TO LUKE VARDY.

AN ACCOMPT presented by Luke Vardy, for entertaining eighty Men on the day that his Excellency the Governor arrived at Boston, Amounting to the Sum of £34. 3. 6.

Legislative  
Records of the  
Council, xiv.,  
125.

[Read and Accepted, and]

*Resolved* that the sum of Thirty four Pounds<sup>1</sup> be allowed & paid out of the publick Treasury to the Accountant Luke Vardy in full discharge thereof. [*Passed August 9.*]

House Jour-  
nal, p. 27.  
*Ante*, p. 337,  
chap. 110.

<sup>1</sup> The House Journal reads, £25. 5; the State Library copy, Legislative Records of the Council, xiv., 142, and Executive Records of the Council, ix., 86, give £25.

## CHAPTER 169.

RESOLVE ALLOWING £14. 6 TO JOHN FULLER.

Legislative  
Records of the  
Council, xiv.,  
126.

House Jour-  
nal, p. 27.  
*Ante*, p. 302,  
chap. 10.

A MEMORIAL of John Fuller Setting forth That he was at considerable Expence & Trouble in securing the Light house Boat, which was stolen last Winter, & left a Drift among the Ice, near Sandwich Praying the Allowance of his Accompt thereof, Amounting to the sum of £14. 6.

Read [and Accepted] &

*Resolved* that the sum of Fourteen Pounds six shillings be allowed & paid out of the publick Treasury to Coll. Shubal Gorham, to be by him [paid]<sup>1</sup> to the s<sup>d</sup> Fuller in full discharge thereof. [*Passed August 12.*

## CHAPTER 170.

RESOLVE ALLOWING £6 TO JOSH. FISHER.

Legislative  
Records of the  
Council, xiv.,  
127.

House Jour-  
nal, p. 28.  
*Ante*, p. 357,  
chap. 167.

A PETITION of Joshua Fisher of Dedham, Praying that this Court would allow him the sum of Six Pounds taken off from his Accompt of Expences at the Time of the Governors Coming from Bristol, he having charged his Wine as he bought it & everything else as low as he could without Loss to him self.

Read &

*Resolved* that the sum of Six Pounds be allowed & paid out of the publick Treasury to the Memorialist Joshua Fisher in full Satisfaction for the Trouble within mentioned. [*Passed August 13.*

## CHAPTER 171.

ORDER ALLOWING THE ACC<sup>t</sup> OF THE COUNTY TREAS<sup>r</sup> OF ESSEX.

Legislative  
Records of the  
Council, xiv.,  
127.

House Jour-  
nal, p. 29.

AN ACCOMPT presented by John Appleton Esq<sup>r</sup> Treasurer of the County of Essex, Having been laid before the Court of General Sessions of the Peace for the said County and by them allowed;

Read & Accepted, &

*Ordered* that this Accompt be allowed. [*Passed August 14.*

## CHAPTER 172.

ORDER IMPOWERING THO. WABAN TO EXCHANGE LAND.

Legislative  
Records of the  
Council, xiv.,  
127.

House Jour-  
nal, p. 29.

A PETITION of Thomas Waban of Natick Indian, Praying that he may be impowered by an Order of this Court to exchange two Acres of Meadow Land belonging to him for Land in the said Town belonging to Nehemiah Allen of Sherburn which lies much more accomodable for the Petitioners Improvem<sup>t</sup> & that he may be enabled to execute a good Deed of Sale or Exchange, The Affair to be under the Oversight

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 142.

of such Person as shall be appointed by this Court to see that the Petitioner have Justice done in the said Exchange.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petitioner be allowed to make the Exchange accordingly; And M<sup>r</sup> John Death is desired to see that the Petitioner has an Equivalent for his two Acres of of<sup>1</sup> Land out of the said Allens Land as to Quantity and Quality. [*Passed August 14.*]

## CHAPTER 173.

### RESOLVE ALLOWING £115 TO NATH<sup>L</sup> CONEY.

AN ACCOMPT presented by Nathaniel Coney of Stoughton Inn holder of Expences in entertaining his Excellency the Governor & the Gentlemen & Guards that attended him in his Journey from Bristol to Boston, Amounting to the sum of £133. 12.

[Read and Accepted and]

*Resolved* that the sum of One hundred & fifteen Pounds be allowed & paid out of the publick Treasury to the Accomptant Nathaniel Coney in full discharge thereof. [*Passed August 15.*]

Legislative  
Records of the  
Council, xiv.,  
128.

House Jour-  
nal, p. 30.  
*Ante*, p. 337,  
chap. 110.

## CHAPTER 174.

### RESOLVE ALLOWING £89 TO REBECCA HOLMES.

AN ACCOMPT presented by Rebecca Holmes of Dining his Excellency the Governor on the Day of his Arrival with two hundred Gentlemen and Officers, with Extraordinaries; Amounting to the sum of £100. 10.

[Read and Accepted and]

*Resolved* that the sum of Eighty nine Pounds be allowed & paid out of the publick Treasury to the Accomptant Rebecca Holmes in full discharge thereof. [*Passed August 16.*]

Legislative  
Records of the  
Council, xiv.,  
129.

House Jour-  
nal, pp. 34, 35.  
*Ante*, p. 337,  
chap. 110.

## CHAPTER 175.

### RESOLVE ALLOWING £6. 18 TO SHER. WINSLOW.

AN ACCOMPT presented by Edward Winslow Esq<sup>r</sup> of sundries omitted out of his Accompt of Expences on the Governors Journey from Bristol to Boston, Amounting to the sum of £6. 18.

[Read and Accepted and]

*Resolved* that the sum of Six Pounds eighteen shillings be allowed & paid out of the publick Treasury to the Accomptant Edward Winslow Esq<sup>r</sup> in full discharge thereof. [*Passed August 16.*]

Legislative  
Records of the  
Council, xvi.,  
129.

House Jour-  
nal, p. 35.  
*Ante*, p. 356,  
chap. 163.

<sup>1</sup> *Sic.*

## CHAPTER 176.

## ORDER IMPOWERING THO. PEGAN TO SELL LAND.

Legislative  
Records of the  
Council, xiv.,  
129.

House Jour-  
nal, p. 34.  
*Ante*, p. 317,  
chap. 51.

A PETITION of Thomas Pegan of Natick Indian, Shewing that on his Petition presented to this Court at their last Session, they were pleased to allow him to make Sale of six Acres of Land, the Produce thereof to be laid out in building & finishing a Dwelling house at Natick afore said, which he finds insufficient for that purpose; And therefore Praying that he may have Liberty to sell so much of his Right in the common & undivided Lands in Natick as shall be found necessary for finishing the said House

Read &

*Ordered* that the Prayer of the Petition be granted, & M<sup>r</sup> John Death<sup>1</sup> is desired to see that Justice be done the Petitioner in the Sale of the Land, & that the Produce thereof be disposed of in the most prudent Method for finishing the said Pegans House, so that he may comfortably dwell therein. [*Passed August 16.*]

## CHAPTER 177.

## ORDER REFERRING THE FALMOUTH PROPRIETERS PETITION TO THE NEXT SESSION, WITH NOTICE.

Legislative  
Records of the  
Council, xiv.,  
129.

House Jour-  
nal, p. 34.

A PETITION of Coll. Thomas Westbrook, Cpt. Edward Tyng & sundry others the Heirs & Assigns of the ancient Proprietors of the Town of Falmouth in the County of York, at the desire & in behalf of the other Proprietors, Setting forth that they labour under great difficulties, & sustain unreasonable Loss & Damage in their Estates on the account of a number of disorderly Persons taking Possession of their Rights & Estates & settling thereon by virtue of pretended Grants of the said Town; Praying for Relief in the Premises from this Court.

Read &

*Ordered* that the further Consideration of this Petition be refer'd to the next Session of this Court, & that the Petitioners serve the Select men of the said Town of Falmouth with a Copy of the Petition twenty days before the second Fryday of the said Session that they then shew cause why the Prayer of the Petition should not be granted.<sup>2</sup> [*Passed August 16.*]

## CHAPTER 178.

## RESOLVE ALLOWING £20 TO THO. WHARTON AND REFERRING HIS ACCOUNT TO THE NEXT FALL SESSION.

Legislative  
Records of the  
Council, xiv.,  
131.

House Jour-  
nal, p. 36.  
*Ante*, p. 357,  
chap. 166.

AN ACCOUNT presented by Thomas Wharton of Work by him done in repairing Fort Mary at Winter Harbour with Materials which he found for said Work, Amounting to the sum of £44. 16.

[Read and]

*Resolved* that the sum of Twenty Pounds be allowed & paid out of

<sup>1</sup> The House Journal reads, "*D'Aith.*"

<sup>2</sup> The Secretary's record closes "Consented to, W<sup>m</sup> Dummer," a mistake for W<sup>m</sup> Burnet, who entered upon the office of Governor on July 24, 1728. In the State Library copy, Legislative Records of the Council, xiv., 146, the consent is correctly given.

the publick Treasury to the Accomptant Thomas Wharton in part of the Amount of this Account; & that the further Consideration of the said Account be refer'd to the next Fall Session, And in the mean time Cpt. Stephen Eastwick is desired to repair to Fort Mary, & view the whole of the Work done by the Accomptant, & report his Opinion what the same may be worth. [*Passed August 20.*]

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## CHAPTER 179.

RESOLVE ALLOWING £14. 9 TO FRAN. WARDELL.

AN ACCOMPT presented by Frances Wardell of Dining forty four Gentlemen on the Day of his Excelleney's Arrival, Amounting to y<sup>e</sup> sum of £14. 9/.

[Read and]

*Resolved* that the sum of Fourteen Pounds nine shillings be allowed & paid out of the publick Treasury to the Accomptant Francis Wardell in full discharge thereof. [*Passed August 20.*]

Legislative  
Records of the  
Council, xiv.,  
132.

House Jour-  
nal, p. 38.  
*Ante*, p. 337,  
chap. 110.

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## CHAPTER 180.

ORDER REFERRING UXBRIDGE QUAKERS PETITION TO THE NEXT SESSION WITH NOTICE.

A PETITION of Seth Aldrich & Benjamin Taft of Uxbridge in behalf of themselves & the other People called Quakers in the said Town, Praying that they may be exempt from paying Taxes for the support of the Presbyterian Minister & building a Meeting house there, Conformable to the Agreement made upon the Towns being set off from Mendon

Read &

*Ordered* that the Petitioners serve the Select men of the Town of Uxbridge with a Copy of this Petition, that so they may give in their Answer thereto on the first Fryday of the next Sessions; & that all Proceedings against the Petition<sup>rs</sup> be stayed in the mean time. [*Passed August 21.*]<sup>1</sup>

Legislative  
Records of the  
Council, xiv.,  
132.

House Jour-  
nal, p. 39.  
Province  
Laws, ii., 427,  
chap. 12.

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## CHAPTER 181.

ORDER GRANTING TO W<sup>m</sup> WILLIS A LICENSE TO RETAIL LIQUOR.

A PETITION of William Willis of Medford, Shewing that by reason of Sickness he omitted taking out a Licence to retail strong Drink, at the last Court of General Sessions of the Peace for the County of Middlesex altho he had the Approbation of the Select men of the said Town, And therefore Praying that the General Sessions of the Peace next to be holden at Concord for said County may be empowered to renew his Licence as a Retailer

Read &

*Ordered* that the Prayer of the Petition be granted; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed August 21.*]

Legislative  
Records of the  
Council, xiv.,  
133.

House Jour-  
nal, p. 39.

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is August 20.

## CHAPTER 182.

## RESOLVE FOR ADJOURNING CONCORD COURT.

Legislative  
Records of the  
Council, xiv.,  
134.

House Jour-  
nal, p. 42.  
Province  
Laws, i., 700,  
chap. 5.

WHEREAS the Court of General Sessions of the Peace & Inferior Court of Common Pleas for the County of Middlesex are by Law appointed to be held & kept at Concord for said County on the last Tuesday of this Instant August; And many of the Justices of the said Courts, & others concerned there are Members of this Court;

*Resolved* that in consideration of the Sitting of the Great & General Court, the Justices of the said Court of General Sessions & Inferior Court of Common Pleas are hereby impowered & directed to adjourn the same to the third Tuesday in September next, Then & there to be held at Concord afore said; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed August 23.*]

## CHAPTER 183.

RESOLVE ALLOWING £21 TO D<sup>r</sup> SAM<sup>l</sup> MOODEY.

Legislative  
Records of the  
Council, xiv.,  
135.

House Jour-  
nal, p. 42.  
*Ante*, p. 249,  
chap. 73.

A PETITION of Samuel Moodey Esq<sup>r</sup> at the desire & in behalf of his Son D<sup>r</sup> Samuel Moodey, Shewing that whereas the said D<sup>r</sup> Moodey presented his Accompt, Amounting to the Sum of £34. 11 to this Court in their last Fall Session, & the Court were pleased to allow but ten Pounds thereon altho the Charges were reasonable, & the several Medicines & Attendance were for those that were in the Service of the Governm<sup>t</sup> & an Indian by Order of the Lienten<sup>t</sup> Governor; And for as much as the said D<sup>r</sup> Moodey has not received any thing out of the publick Treasury, Praying that the Whole of the said Accompt may be allowed.

Read [and Accepted] &

*Resolved* that the sum of Twenty four Pounds (inclusive of the Ten Pounds formerly allowed out of the publick Treasury [?])<sup>1</sup> be allowed & paid out of the publick Treasury to the Petitioner Samuel Moodey Esq<sup>r</sup> for the use of D<sup>r</sup> Samuel Moodey in full discharge thereof. [*Passed August 24.*]

## CHAPTER 184.

## RESOLVE ALLOWING £8 TO JOHN LUCAS.

Legislative  
Records of the  
Council, xiv.,  
136.

House Jour-  
nal, p. 43.  
*Ante*, p. 337,  
chap. 110.

AN ACCOMPT presented by John Lucas of Horses by him provided for the Governors Chariot from Bristol, his Work in hanging the Governors Coach, Chariot &c, Amounting to the sum of £8.

[Read and Accepted]

*Resolved* that the sum of Eight Pounds be allowed & paid out of the publick Treasury to the Accomptant John Lucas in full discharge thereof. [*Passed August 26.*]

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 153.

## CHAPTER 185.

## RESOLVE FOR ISSUING £20,000 IN BILLS OF CREDIT, AND PROVIDING SECURITY.

*Resolved* that the Treasurer be & hereby is impowered & directed to issue forth & emit the sum of Twenty thousand Pounds in Bills of Credit on this Province for the necessary Defence & Support of the Governm<sup>t</sup> & the Protection & Preservation of the Inhabitants thereof, The said Twenty thousand Pounds being already in the hands of the Treasurer, & received for Taxes, Impost &c. To be issued & disposed of by Warrant under the hand of his Excellency the Governor with the Advice & Consent of the Council; Nineteen thousand five hundred Pounds thereof shall be applied for the uses, Intents & Purposes in this Resolve hereafter expressed; viz, For the Payment of Grants, Premiums & Stipends established by Law, for the defraying & paying the Charge of Castle William, & the other Forts & Garrisons, Transports Muster Rolls of Soldiers & Sailors, Allowances &c, and all other Accompts of Charges, allowed & pass'd on for Payment by this Court; And that the sum of Five hundred Pounds shall be applied for the Payment of Expresses, dispatched in the Service of this Governm<sup>t</sup> in the Recess of this Court, together with all other necessary & unforeseen Charges that demand prompt Payment, which shall arise in the Recess of this Court as afore said; Provided always that the several Draughts upon the Treasurer as afore said express & declare out of which of the two sums afore mentioned the Money is to be paid: And the said Bills shall pass out of the Treasury at the Value therein expressed equivalent to Money, & shall be so taken & accepted in all publick Payments.

And the Duties of Impost & Excise together with all other Incomes shall be a Fund & Security for the payment & drawing the said Bills into the Treasury again, so far as the same will reach.

And It is further

*Resolved* that there be & hereby is granted unto his most Excellent Majesty for the Ends & Uses afore said, & for no other Ends & Uses whatsoever a Tax of Twenty thousand Pounds to be levied upon Polls & Estates both real & personal within this Province according to such Rules & in such proportion upon the several Towns & Districts within the same as shall be agreed on & ordered by the Great & General Court or Assembly, of this Province at their Session in May One thousand seven hundred & thirty nine, & paid into the publick Treasury on or before the last day of December next after. [*Passed August 28.*]

Legislative  
Records of the  
Council, xiv.,  
136.

House Jour-  
nal, pp. 45, 46.  
Province  
Laws, ii., 524.

## CHAPTER 186.

## ORDER IMPOWERING BENONI WATERMAN TO TRY A CASE.

A PETITION of Benoni Waterman of Barbadoes Shewing that, Having commenced an Action of Review at the Superior Court now sitting in Boston of a Cause brought originally against him by Adam Tuck of Boston at the Inferior Court for the County of Suffolk held at Boston in October last, His Lawyer made a Mistake in the Summons, stiling the Petitioner Farrier instead of Merchant, as he is stiled in the Writ;

Legislative  
Records of the  
Council, xiv.,  
138.

House Jour-  
nal, pp. 46, 47.

By which Mistake his Writ was abated, Praying that the Justices of the Superior Court may be impowered & directed to amend the said Summons, & proceed to the Trial of the said Cause by a Jury, The Petitioner paying down to the Defendent the Costs which have hitherto accrued in the said Cause.

Read &

*Ordered* that the Prayer of the Petition be granted, And the Justices of the Superior Court of Judicature are impowered & directed to order an Amendm<sup>t</sup> on the Summons herein refer'd to, & to try the Cause mentioned in the Petition, the Petitioner paying the Costs hitherto incur'd; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed August 28.*]

## CHAPTER 187.

### ORDER IMPOWERING RICHARD SUTTON TO APPEAL A CASE.

Legislative  
Records of the  
Council, xiv.,  
137, 139.

House Jour-  
nal, p. 50.

A PETITION of Richard Sutton of Charlestown, Shewing that, Having appealed from a Judgment given against him at the last Inferior Court of Common Pleas for the County of Suffolk to the Superior Court, now sitting in Boston in an Action brought against him by one John Arnault; By reason of Sickness on the first day of the Court & the Neglect of his Lawyer, his said Appeal was not enter'd; And therefore Praying that he may be now impowered to enter his Appeal in the said Cause.

Read together with the Answer of John Arnault; And the same being fully considered;

*Ordered* that the Prayer of the Petition be granted, & that the Petitioner be enabled accordingly to enter the Appeal herein refer'd to; And that the Justices of the Superior Court of Judicature, be impowered & directed to hear & determine the said Appeal; The Petitioner to pay the Cost hitherto incur'd in the said Superior Court & to give due Notice of the Trial to the adverse Party; Any Law, Usage, or Custom to the contrary notwithstanding. [*Passed August 29.*]

## CHAPTER 188.

### ORDER IMPOWERING NATICK PROPRIETORS TO GIVE A DEED OF LAND.

Legislative  
Records of the  
Council, xiv.,  
140.

House Jour-  
nal, p. 51.  
Province  
Laws, x., 249,  
chap. 264.

A PETITION of Thomas Pegan & others, a Committee for the Indian Proprietors of Natick, Shewing that whereas this Court were pleased to empower the said Proprietors to make over by their Deed a certain Tract of Land in Natick afore said to the Rev<sup>d</sup> M<sup>r</sup> Oliver Peabody their Minister, upon certain Conditions to be performed on his part; Which Conveyance does not wholly answer the good end by them proposed; Therefore Praying that this Court would confirm an other Deed, which they have made & executed, & which is, herewith exhibited, bearing Date the 29<sup>th</sup> of July 1728, for making sure the said Land to the said M<sup>r</sup> Oliver Peabody.

Read &

*Ordered* that the Prayer of the Petition be granted, &

*Voted* that it shall be lawful for any one of the Justices of the Peace for the County of Middlesex to take the Acknowledgem<sup>t</sup> or Proof of the



above Deed; And the Title of the Land within mentioned is thereupon confirmed to the said Oliver Peabody his Heirs & Assigns for ever, agreeable to the Tenour of the said Deed accordingly. [*Passed August 30.*]

## CHAPTER 189.

### RESOLVE ALLOWING £50 TO SOLOM. HEWES.

AN ACCOUNT presented by Solomon Hewes of Expence at his House at the time of the Governors Journey from Bristol to Boston Amounting to the sum of £55. 13. 5.

[Read and Accepted and]

*Resolved* that the sum of Fifty Pounds be allowed & paid out of the publick Treasury to the Accountant Solomon Hewes in full discharge thereof. [*Passed August 30.*]

Legislative  
Records of the  
Council, xiv.,  
140.

House Jour-  
nal, p. 51.  
*Ante*, p. 337,  
chap. 110.

## CHAPTER 190.

### RESOLVE ALLOWING £3. 14. 3 TO MAJOR SAM<sup>L</sup> MOODY.

AN ACCOUNT presented by Major Samuel Moody of Provisions supplied the Lienten<sup>t</sup> Governor & Council at the Ratification of the Peace at Falmouth in July 1727, Amounting to the sum of £3. 14. 3.

[Read and accepted and]

*Resolved* that the sum of Three Pounds fourteen shillings & three pence be allowed & paid out of the publick Treasury to the Accountant Samuel Moody Esq<sup>r</sup> in full discharge thereof. [*Passed August 30.*]

Legislative  
Records of the  
Council, xiv.,  
141.

House Jour-  
nal, p. 51.  
*Ante*, p. 164,  
chap. 75.

## CHAPTER 191.

### ORDER IMPOWERING NATH<sup>L</sup> COOCHUCK TO SELL LAND.

A PETITION of Nathaniel Coochuck of Natick Indian, Shewing that He has contracted considerable Debts by the Sickness & Death of several in his Family, Praying that he may be allowed to make Sale of Forty five Acres of Land belonging to him in order to his discharging the said Debts; The Remainder of the Produce to be vested in some real Estate, or at least that he may be enabled to make Sale of fifteen Acres to clear his Debts afore said

The Committee appointed to inquire into & report upon the Subject Matter of the Petition of Nathan<sup>t</sup> Coochuck of Natick, having made Inquiry into the Debts of the Petitioner & how they were contracted, are humbly of Opinion that it is necessary for the Petition<sup>r</sup> to make Sale of some Part of his Land at Natick to make Payment of his just Debts; And forasmuch as it has always been the Practice of this Hon<sup>ble</sup> Court in such Cases to direct that a suitable Person or Persons take Care that the Indians be not wronged in the Sale of their Lands, The Committee further humbly offer that if this Hon<sup>ble</sup> Court shall think fit to enable the Petitioner with the Advice of such suitable Person or Persons to make Sale of his whole Lot in Natick aforesaid, The Pro-

Legislative  
Records of the  
Council, xiv.,  
134, 140.

House Jour-  
nal, p. 54.

ceeds thereof to be applied to the Uses mentioned in the said Petition, viz, to purchase some other Tract of Land, pay his Debts, & enable him to build upon, break up & clear the same, It may be of great Service & Benefit to the Petitioner.

All which is humbly submitted

JOHN CHANDLER  
EDW<sup>d</sup> GODDARD  
JOHN DEATH.<sup>1</sup>

Read &

*Ordered* that this Report be accepted & that John Chandler Esq<sup>r</sup> M<sup>r</sup> Edward Goddard & M<sup>r</sup> John Death<sup>1</sup> (or any two of them) be desired to assist the Petitioner Nathaniel Coochuck in the Sale of the Land above mentioned, & in disposing of the Money to be produced thereby, according to this Report. [*Passed August 31.*<sup>2</sup>

## CHAPTER 192.

ORDER STAYING EXECUTION AND ALLOWING JOHN WILLIS A NEW TRIAL, WITH NOTICE.

Legislative  
Records of the  
Council, xiv.,  
141.

House Jour-  
nal, p. 54.

A PETITION of John Willis of Medford, Setting forth that Judgment by Default was given against him at the Inferior Court of Common Pleas held at Bristol in April last upon a Writ taken out against him by Isaac Gould of Barrington, & Execution was taken out & served on the Petitioner accordingly altho the said Writ was never served upon him, nor had he the least Knowledge of the said Action until Judgment was given & Execution taken out, Praying for Relief against the said irregular and illegal Proceedings.

[Read and]

*Ordered* that the Judgment refer'd to in the Petition be declared null & void & of none effect, & the Execution thereon stayed & superseded, And that the said Isaac Gould have leave to enter his Action de Novo at the next Inferior Court of Common Pleas to be held at Bristol on the Writ within mentioned, & have a Trial thereon, he giving the Petitioner Willis fourteen days Notice of this Order before the sitting of the Court, Any Law, Usage or Custom to the contrary notwithstanding. [*Passed August 31.*

## CHAPTER 193.

VOTE REQUIRING LOAN COMMISSIONERS TO SETTLE THEIR ACCOUNTS.

Legislative  
Records of the  
Council, xiv.,  
144.

House Jour-  
nal, p. 54.  
Province  
Laws, ii., 61,  
chap. 18.

*Voted* that the Treasurer be directed to notify the respective Commissioners of the several Counties of the Province for letting out the £100,000 Loan that have been deficient in rendering their Accompts or paying the Principal or Interest of the said Loan according to the Order of this Court, that they immediately comply with their Duty in that respect. [*Passed August 31.*

<sup>1</sup> The House Journal reads, "*D'Aeth*."

<sup>2</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is August 30.

## CHAPTER 194.

RESOLVE ALLOWING £11. 10 TO REB. HOLMES.

A PETITION of Rebecca Holmes, Praying (for sundry Reasons therein particularly mentioned) that this Court would allow her what they have taken off from her Accompt of the Entertainm<sup>t</sup> made on the Day of the Governors Arrival at Boston.

Read & In answer to this Petition,

*Resolved* that the sum of Eleven Pounds ten shillings be allowed & paid out of the publick Treasury to the Petitioner Rebecca Holmes in full discharge of the said Accompt. [*Passed September 4.*]

Legislative  
Records of the  
Council, xiv.,  
148.

House Jour-  
nal, p. 58.  
*Ante*, p. 359,  
chap. 174.

## CHAPTER 195.

ORDER IMPOWERING THE ASSESSORS OF NEW SOUTH PRECINCT OF BRANTREY TO LEVY A TAX OF ONE PENNY PER ACRE, ON LAND.

A PETITION of Moses Curtis & Thomas Wales in behalf & by direction of the Inhabitants of the new Precinct in the Southern Part of Brantrey Praying that they may be impowered to tax the Lands lying there at one peny per Acre for the support of the Minister.

Read &

*Ordered* that the Prayer of the Petition be granted, & that it shall be lawful for the Assessors of the said Precinct, to assess & levy a Tax of one peny per acre per Annum on all the wast Lands there for the space of three years next coming for the use of the Ministry there; & the said Lands to be subjected to said Tax accordingly, Any Law Usage or Custom to the Contrary notwithstanding. [*Passed September 7.*<sup>1</sup>]

Legislative  
Records of the  
Council, xiv.,  
149.

House Jour-  
nal, pp. 58, 59,  
62. *Ante*,  
p. 256, chap. 88.

## CHAPTER 196.

ORDER IMPOWERING JOHN ABSOLAM TO MAKE A SALE OF LAND.

A PETITION of Jonathan Plimpton of Medfield Attorney to John Absolom of Providence Husbandman, Shewing that Samuel Ompatenenam of Natick mortgaged a Tract of Land containing about ninety Acres lying in said Place for the sum of £19. 2. 4 taken up of the said Absolom, And for as much as the said Ompatenenam is now dead & has left no Relations, having before his Death contracted several Debts, which were paid by the said Absolom; & M<sup>r</sup> Joseph Baxter is desirous to purchase the said Land, & give the full Value of it; And therefore Praying that the Petitioner as Attorney as aforesaid may be impowered to sell the said Land to the said M<sup>r</sup> Baxter for the most it will fetch, the Produce to be applied for the Payment of the said Ompatenenams Debts, & the Overplus to be for the Proprietors of Natick.

Read &

*Ordered* that the Prayer of the Petition be granted; And M<sup>r</sup> John Death is joined with the Petitioner to make Sale of the mortgaged Premises to the best advantage accordingly to discharge what is due on the Mortgage within mentioned; The Overplus arising by the Sale of the Premises to wait the Order of this Court. [*Passed September 11.*]

Legislative  
Records of the  
Council, xiv.,  
150.

House Jour-  
nal, p. 63.

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is September 5.

## CHAPTER 197.

VOTE APPOINTING A COMMITTEE ON THE PETITION OF JOHN EVERED  
&c OF STOUGHTON & DEDHAM TO BE MADE A SEPARATE TOWN.

Legislative  
Records of the  
Council, xiv.,  
152.

House Jour-  
nal, p. 66.  
*Ante*, p. 231,  
chap. 31.

A PETITION of Joseph Smith & divers others Inhabitants of the Southerly & South west Parts of Dedham, Praying that they & their Families & Estates according to the Bounds particularly described in the said Petition may be set off from Dedham, & with divers Inhabitants of the Town of Stoughton constituted a separate Town or Precinct.

A Petition of John Evered & others, Inhabitant of the Town of Stoughton, Praying that they, their Families & Estates may be set off from the Town of Stoughton according to the Limits in the said Petition particularly described, & together with sundry Inhabitants of the Town of Dedham constituted a separate Town or Precinct.

Read & In answer to these two Petitions,

*Voted* that M<sup>r</sup> Nathan Fiske & M<sup>r</sup> Samuel White with such as shall be appointed by the Hon<sup>ble</sup> Board be a Committee to repair to the Towns of Dedham & Stoughton, & view the Circumstances of the Petitioners, & make report as soon as may be, Whether it be most proper that Dedham should continue with Preaching at the Charge of the Town in the Southerly Parts for five months in the year, according to a late Act<sup>1</sup> of the Court, & erect a Meeting house for that end or Whether it be more convenient that there be a Precinct made, partly of the Southerly Part of Dedham & partly of the Westerly Part of Stoughton, The Petitioners to give notice to the Town Clerk of Stoughton at least ten days before the Committees attending this Service, by a Copy of this Order & an Account of the Time of the Committees Meeting under the Hand of the Major Part of them: The Charge to be born by the Petitioners. [*Passed September 12.*<sup>2</sup>]

## CHAPTER 198.

RESOLVE ALLOWING £42 TO D<sup>r</sup> ROBT GIBBS.

Legislative  
Records of the  
Council, xiv.,  
153.

House Jour-  
nal, p. 67.  
*Ante*, p. 337,  
chap. 110.

AN ACCOMPT presented by D<sup>r</sup> Robert Gibbs of Providence of sundry Disbursements for the Entertainm<sup>t</sup> of his Excellency the Governor by Order of the Governm<sup>t</sup> Amounting to the sum of £62. 19.

[Read and Accepted and]

*Resolved* that the sum of Forty two Pounds be allowed & paid out of the publick Treasury to the said Robert Gibbs, which with what is left in his hands is in full of his Accompt for his Care & Trouble in purchasing the particulars within mentioned. [*Passed September 12.*]

## CHAPTER 199.

ORDER FOR A NEW PRECINCT IN THE TOWN OF HAVERHILL.

Legislative  
Records of the  
Council, xiv.,  
153.

House Jour-  
nal, p. 54.

A PETITION of John Clements & sundry others Inhabitants of the Town of Haverhill, Setting forth that the said Town at a legal Meeting on the 18<sup>th</sup> of June last, voted their Consent & Approbation of the Petitioners being set off a separate Precinct by a Line beginning

<sup>1</sup> *Ante*, p. 231, chap. 31. — not an “Act,” properly speaking.

<sup>2</sup> No record of appointment by the Council appears.

at the Westerly End of Brandy Brow Hill on Amesbury Line, & from thence to the Northerly End of the hither North Meadow; & then, as the Brook runs, from the said Meadow down the Fishing River, till it comes to the Bridge over the Brook by Nathaniel Marbles, & from thence on a strait Line North west, one quarter of a Point North to y<sup>e</sup> bounds of Haverhill; Praying for the Authority of this Court to constitute them a separate Precinct accordingly.

Read &

*Ordered* that the Prayer of the Petition be granted; & the Lands mentioned & described by the Metes & Bounds within set forth, be & hereby are set off & erected into a separate & distinct Precinct; And the Inhabitants are endowed with equal Powers, Privileges & Immunities with any other Precinct within this Province; And that M<sup>r</sup> John Clement a principal Inhabitant of said Precinct be & hereby is fully authorized & empowered to call the first Precinct Meeting for the Choice of Parish Officers, to continue until the next Annual Election. [*Passed September 12.*]

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## CHAPTER 200.

### VOTE GRANTING 200 ACRES OF LAND TO CPT. THO. COULTON.

A PETITION of Cpt. Thomas Colton, Setting forth his long & frequent Services in the Wars against the Indians & the Difficulties he pass'd through to the great impairing of his Health, And therefore Praying for a Grant out of the unappropriated Lands of this Province.

Legislative  
Records of the  
Council, xiv.,  
154.

House Jour-  
nal, pp. 68, 69.

Read & In answer to this Petition,

*Voted* that Two hundred Acres of Land be granted to the Petitioner in the next Town that shall be laid out in the County of Hampshire, to be taken up promiscuously with the other Inhabitants free of all Charge to the Petitioner, except the surveying, He or his Assigns building upon & settling the same within seven years from its being taken up. [*Passed September 13.*]

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## CHAPTER 201.

### RESOLVE ALLOWING £69. 3. 6 TO M<sup>r</sup> THO. CUSHING.

AN ACCOUNT presented by M<sup>r</sup> Thomas Cushing of Disbursements in providing for the Governor by Order of the Court, Amounting to the sum of £279. 3. 6 Rec<sup>d</sup> £210 Balance remaining due is £69. 3. 6.

[Read and Accepted and]

Legislative  
Records of the  
Council, xiv.,  
154.

House Jour-  
nal, p. 69.  
*Ante*, p. 279,  
chap. 146.

*Resolved* that the sum of Sixty nine Pounds three shillings & six pence be allowed & paid out of the publick Treasury to the Accomptant M<sup>r</sup> Thomas Cushing, to be by him paid to whom it is due in full discharge thereof. [*Passed September 13.*]

## CHAPTER 202.

Legislative  
Records of the  
Council, xiv.,  
155.

House Jour-  
nal, p. 69.  
*Ante*, p. 258,  
chap. 94.

RESOLVE ALLOWING £60 TO ELISHA COOK ESQ<sup>R</sup>.

*Resolved* that the sum of Sixty Pounds be allowed & paid out of the publick Treasury to Elisha Cook Esq<sup>r</sup> in consideration of his Excellency Governor Burnet & his Family, being at his House until his Excellencys Removal into the Province House. [*Passed September 14.*]

## CHAPTER 203.

RESOLVE ALLOWING £4. 17. 6 TO RICH<sup>D</sup> HUNT.

Legislative  
Records of the  
Council, xiv.,  
155.

House Jour-  
nal, pp. 51, 69.  
*Ante*, p. 337,  
chap. 110.

AN ACCOUNT presented by Richard Hunt of a Horse by him provided to draw in the Govern<sup>rs</sup> Coach &c, Amounting to y<sup>e</sup> sum of £4. 17. 6. [Read and]

*Resolved* that the sum of Four Pounds seventeen shillings & six pence be allowed & paid out of the publick Treasury to the Accomptant Richard Hunt in full discharge thereof. [*Passed September 14.*]

## CHAPTER 204.

ORDER GRANTING DAN<sup>L</sup> HOW A LICENCE TO KEEP A TAVERN.

Legislative  
Records of the  
Council, xiv.,  
161.

House Jour-  
nal, p. 77.  
Province  
Laws, ii., 415,  
chap. 1.

A PETITION of Daniel How of Framingham Shewing that he has lately obtained the Approbation of the said Town for his keeping a Tavern, And Praying that the Justices of the County of Middlesex in their present General Sessions may be impowered to grant him a Licence accordingly

Read &

*Ordered* that the Prayer of the Petition be granted, & the Justices of the Peace for the County of Middlesex in their present Sessions at Concord, are allowed & impowered, if they see Cause, to grant a Licence to the Petitioner to keep a Tavern at Framingham for the Year Current, The time by Law appointed for granting Licences this year being elapsed notwithstanding. [*Passed September 19.*]

## CHAPTER 205.

ORDER SUPERSEDING FORMER ORDER OF THE COURT IMPOWERING FRANCIS MOORE TO SELL LAND.

Legislative  
Records of the  
Council, xiv.,  
154, 161.

Legislative  
Records of the  
Council, xi.,  
565; xii., 7.  
House Jour-  
nal, pp. 71, 77.

A PETITION of Elisabeth Cook in behalf of her Brother William Cook a Minor, Shewing that whereas Francis Moor, a Guardian to the said Cook hath obtained an Order of this Court to sell Part of his Real Estate to pay the Debts, he has already sold more than is sufficient for that end; & therefore Praying that the said Power may be revoked.

Read together with the Paper given in by Francis Moore; & the Matter being duly considered,

*Ordered* that the former Order of this Court empowering Francis

Moor to sell any part of the Real Estate of the within named William Cook be & hereby is supersed[ed] henceforward & determined. [*Passed September 20.*]

## CHAPTER 206.

RESOLVE ALLOWING £15. 6. 6 TO SIMON ROGERS.

A PETITION of Simon Rogers of Boston, Praying that he may be allowed his Accompt of dining the Governors Troop of Guards when they went to attend his Excellency to Boston.

[Read [and Accepted] &

*Resolved* that the sum of Fifteen Pounds sixteen shillings & six pence be allowed & paid out of the publick Treasury to the said Simon Rogers in full discharge thereof. [*Passed September 23.*]

Legislative  
Records of the  
Council, xiv.,  
165.

House Jour-  
nal, p. 81.  
*Ante*, p. 337,  
chap. 110.

## CHAPTER 207.

VOTE IMPOWERING CAPT JOSEPH HEATH TO BUILD A HOUSE FOR THE INDIANS AT RICHMOND.

*Voted* that Cpt. Joseph Heath be and hereby is impowered & directed to build a convenient Out house at Richmond for the Reception of the Indians that come to trade there, & for the sheltering them from the Extremity of the Weather; and that a sum not exceeding Twenty seven Pounds be allowed for that purpose; & that the said Cpt. Heath lay an Accompt of the Charge of building the said Out house before this Court for Payment. [*Passed September 25.*]

Legislative  
Records of the  
Council, xiv.,  
171.

House Jour-  
nal, pp. 87, 88.

## CHAPTER 208.

RESOLVE ALLOWING £8 TO THO. INGOLLS.

AN ACCOMPT presented by Thomas Ingolls of Time & Expence in Riding Express from Albany, Amounting to the sum of £9. 10.

[Read and]

*Resolved* that the sum of Eight Pounds be allowed & paid out of the publick Treasury to the Accomptant Thomas Ingolls<sup>1</sup> in full discharge thereof. [*Passed September 28.*]

Legislative  
Records of the  
Council, xiv.,  
171.

House Jour-  
nal, p. 89.

## CHAPTER 209.

RESOLVE ALLOWING £413. 12 FOR REPAIRS AT CASTLE WILLIAM.

AN ACCOMPT presented by Cpt. John Larrabee of the Charge of building a Wharf at his Majestys Castle William, & making sundry Repairs there according to Order, Amounting to the sum of £413. 12.  
[Read and Accepted and]

Legislative  
Records of the  
Council, xiv.,  
173.

Executive  
Records of the  
Council, ix., 96.  
House Jour-  
nal, p. 91.

<sup>1</sup> The House Journal reads, "*Ingersoll.*"

*Ante*, p. 313,  
chap. 39.  
*Infra*, chap.  
210.

*Resolved* that the sum of Four hundred & thirteen Pounds twelve shillings be allowed & paid out of the publick Treasury to the Accomptant Cpt. John Larrabee to be by him repaid to whom the same is respectively due in full discharge thereof.<sup>1</sup> [*Passed October 2.*]

## CHAPTER 210.

RESOLVE ALLOWING £15 TO L<sup>T</sup> JOHN LARRABEE.

Legislative  
Records of the  
Council, xiv.,  
174.

House Jour-  
nal, p. 91.  
*Supra*, chap.  
209.

*Resolved* that the sum of Fifteen Pounds be allowed & paid out of the publick Treasury to Cpt. John Larrabee for his extraordinary Service, Care & Trouble in inspecting the late Repairs at his Majestys Castle William. [*Passed October 2.*]

## CHAPTER 211.

ORDER IMPOWERING THE TOWN OF LUNENBURGH TO LAY OUT 2,920 ACRES OF LAND.

Legislative  
Records of the  
Council, xiv.,  
174.

House Jour-  
nal, p. 91.  
Province  
Laws, x., 45,  
chap. 98.

A PETITION of Josiah Willard & Hezekiah Boynton Agents for the Town of Lunenburgh, Praying that the said Town may be allowed an Equivalent for Two thousand nine hundred & twenty Acres of Land lately taken out of the said Town & added to Lancaster new Grant, & that the Records & Transfers of Land in said Town, which are now in the Secretarys Office, be delivered to them, & that the Lands in said Township be subjected to a Tax of Two pence per Acre to defray the Ministerial Charges there.

Read [and Accepted] &

*Ordered* that the Town of Lunenburgh have Liberty by a Surveyor & Chain men on Oath to lay out Two thousand nine hundred & twenty Acres of Land on the West side of the said Town, & contiguous to<sup>2</sup> thereto, by a Parallel Line with their West Line through out, as an Equivalent for the Land taken from said Town for & within Lancaster new Grant, A Plat thereof to be returned to this Court as soon as may be for Confirmation; And that the Town give an Equivalent to the Persons who had Lots laid out in the Land falling within the said Grant; That the Records & Transfers of Lots in the Town of Lunenburgh now in the Secretarys Office & in former Committees Hands be delivered to the Town in order to their making a proper Record for the Use of the Town; And that the Assessors for the said Town of Lunenburgh be impowered to assess all the unimproved Lands within the said Town at One peny per Acre per Annum for the Space of three years next coming to enable them to support the public Worship of God among them. [*Passed October 2.*]

<sup>1</sup> The Governor's consent is recorded in the State Library copy, Legislative Records of the Council, xiv., 195, but not in the Secretary's copy. The record of payment, Executive Records of the Council, ix., 96, also shows that the resolve had the Governor's consent.

<sup>2</sup> *Sic.*



## CHAPTER 212.

## ORDER IMPOWERING JOHN ARNAUT TO RE-ENTER AN ACTION.

A PETITION of John Arnaut of Boston, Praying to be impowered by this Court to re-enter an Action at the next Inferior Court of Common Pleas to be held at Charlestown for the County of Middlesex, which was brought against him at the late Court held at Concord for said County, & Judgment was given against him by Default for the sum of £34. 3 & Costs Richard Sutton of Charlestown being Plaintiff in said Action.

Legislative  
Records of the  
Council, xiv.,  
173, 175.

House Jour-  
nal, p. 93.  
*Ante*, p. 364,  
chap. 187.

Read together with the Answer of Rich<sup>d</sup> Sutton, And the same being duly considered,

*Ordered* that the Prayer of the Petition be granted; And the Justices of the Inferior Court of Common Pleas are impowered & directed to hear & determine the said Cause accordingly; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed October 5.*]

## CHAPTER 213.

## VOTE FOR CELEBRATING THE KINGS CORONATION.

*Voted* that the Sheriff of the County of Suffolk be directed to make suitable Provision for celebrating his Majestys Coronation To-Morrow in the After Noon at the Council Chamber. [*Passed \* October 10.*]

Legislative  
Records of the  
Council, xiv.,  
176.

House Jour-  
nal, p. 96.  
*Post*, p. 376,  
chap. 222.

## CHAPTER 214.

## VOTE APPOINTING JOSEPH HALE ON THE WAMESECK &amp; BILLERICA COMMITTEE.

*Voted* that M<sup>r</sup> Joseph Hale be added to the Committee, appointed to consider the Petitions of Samuel Hunt & others of Wameseck & Billerica in the room of M<sup>r</sup> John Hobson, who is employed on other publick Service. [*Passed October 10.*]

Legislative  
Records of the  
Council, xiv.,  
176.

House Jour-  
nal, p. 95.  
*Ante*, p. 309,  
chap. 28.

## CHAPTER 215.

## VOTE FOR BRINGING ON THE BUSINESS OF THE FALL SESSION.

WHEREAS at a Session of this Court in May last & in the present Session several Matters were continued over for further Consideration to the Fall Session; some of which have had particular days assign'd them; And in as much as this present Session is lengthened out to the Fall of the Year; Therefore

Legislative  
Records of the  
Council, xiv.,  
176.

House Jour-  
nal, p. 96.

*Voted* that the several Matters & Things continued as aforesaid shall & may be brought on, Such as had not particular Days assigned on Thursday the twenty fourth Instant; And those which had a certain day appointed for Hearing may be brought on such Days next after the said twenty fourth Instant as were fixed after the first Day of the

Fall Session, Provided that in Petitions<sup>1</sup> that are continued as aforesaid, & in this Session by vertue of this Order to be heard, the adverse Party to have timely Notice. [*Passed October 12.*]

Legislative  
Records of the  
Council, xiv.,  
177.

House Jour-  
nal, p. 96.  
Love's Fast  
and Thanks-  
giving Days  
of New Eng-  
land, p. 491.

## CHAPTER 216.

### DAY OF THANKSGIVING APPOINTED.

*Voted* that it is the Desire of this Court, That his Excellency would appoint a Day of publick Thanks Giving to Almighty God for his many Blessings conferred on this People. [*Passed \* October 12.*]

## CHAPTER 217.

### VOTE IN REGARD TO DELINQUENT GRANTEES IN YE NORTH TOWN IN TURKEY HILLS.

Legislative  
Records of the  
Council, xiv.,  
177.

House Jour-  
nal, p. 57  
(1719); pp. 95,  
96. *Ante*,  
p. 353, chap.  
154.

A PETITION of Joseph Stevens & Timothy Heald in behalf of the Committee appointed to inspect the Settlements in the North Town in Turkey Hills, Setting forth the Difficulties they are under in their Settlement & Praying that they may have such Power & Authority from this Court as is necessary for the speedy & effectual settling of the said Town according to the original Order.

Read [and Accepted] &

*Voted* that the Committee for the North Town be & hereby is directed to present to this Court a Schedule of the Names of such Persons who do not comply with the Condition of their Grants within the space of twelve months next coming, that so the Court, if they see cause, may declare the Lots of such Persons forfeited; And all the unappropriated<sup>2</sup> Lands laid out or that shall be laid out within the said twelve months next coming within the said Town be subjected to a Tax of one half peny per Acre per Annum for the space of three years next coming to support the publick Worship of God in said Town. [*Passed October 12.*]

## CHAPTER 218.

### RESOLVE ALLOWING £10 TO JABEZ AGAMONT.

Legislative  
Records of the  
Council, xiv.,  
177.

House Jour-  
nal, pp. 94, 95.

A PETITION of Jabez Agamont of Falmouth Indian Praying for some Allowance from this Court on the account of his Fathers being wounded by the Indian Enemy in one of the former Wars at Seaconk under Cpt. Pearce and for the Charge he has been at for his Mother who died lately, being aged One hundred & twelve years.

Read [and Accepted] &

*Resolved* that the sum of Ten Pounds be allowed & paid out of the publick Treasury to Ezra Bourn Esq' for the use of Jabez Agamont in full Satisfaction of his Services within mentioned. [*Passed October 12.*]

<sup>1</sup> *Sic.*

<sup>2</sup> "Unimproved," in State Library copy, Legislative Records of the Council, xiv., 199.

## CHAPTER 219.

RESOLVE ALLOWING £30 TO NATH<sup>L</sup> PEASELY.

A MEMORIAL of Nathaniel Peaseley, of Haverhill one of the Under Sheriffs of the County of Essex, Praying that this Court would further enable him to prosecute an Appeal from a Judgment recovered against him at an Inferior Court held at Portsmouth in the Province of New Hampshire in Septem<sup>r</sup> last by one John Adams for doing the Duty of his Office, as is set forth in his former Petition to this Court.

Legislative  
Records of the  
Council, xiv.,  
178.

House Jour-  
nal, p. 95.  
*Ante*, p. 303,  
chap. 13.

Read &

*Resolved* that the sum of Thirty Pounds be allowed & paid out of the publick Treasury to the Memorialist Nathaniel Peaseley, to enable him to prosecute the Appeal within mentioned, & to retain Council learned in the Law for the Purpose, the said Peaseley to be accountable for the said Sum. [*Passed October 16.*]

## CHAPTER 220.

ORDER DIRECTING THE SHERIFF OF SUFFOLK TO OBTAIN SECURITY  
PENDING SETTLEMENT OF A SUIT.

A PETITION of Cpt. Benjamin Edwards Thomas Dagget & Ebenezer Hough all of Boston Merchants Shewing that they brought their Action against Susannah Almy Wife of Joshua Almy & his Attorney, to be heard at the next Inferior Court of Common Pleas, for obliging the said Joshua Almy to render an Accompt of Sales of the Brigantine Susannah in her late Voyage to Martineco, which was consigned to the said Joshua Almy, Amounting to above the sum of £1,100 And forasmuch as the said Almy had recovered £108. 5 of the Petitioners for Wages that the same may be stop'd in the Sheriffs hands to answer such Judgment as they may obtain ag<sup>st</sup> the said Joshua Almy or that the said Susannah may be obliged to refund the same or such part thereof as they shall recover on their present Suit.

Legislative  
Records of the  
Council, xiv.,  
178.

House Jour-  
nal, p. 98.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Sheriff of the County of Suffolk be & hereby is directed before he pays the One hundred & eight Pounds five shillings within mentioned, to take sufficient Security of the said Susannah Almy Attorney &c for her paying back or refunding to the Petitioners the said sum of One hundred & eight Pounds five shillings or so much thereof as they may recover against the said Joshua Almy upon their Suit now commenced, to be heard at the next Inferior Court of Common Pleas to be held at Boston for the County of Suffolk; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed October 19.*]

## CHAPTER 221.

## ORDER IMPOWERING SUSAN. SCALES TO CONVEY LAND.

A PETITION of Susannah Scales of North Yarmouth Relict Widow & Administ<sup>r</sup> of William Scales Dec<sup>d</sup> Shewing that her said Husband bought of Sampson Salter of Boston Cooper Two hundred & forty nine Acres

Legislative  
Records of the  
Council, xiv.,  
179.

House Jour-  
nal, p. 99.

of Land lying in North Yarmouth afore said, the Title of which is likely to be contested in the Law ; & forasmuch as the Committee are willing to grant her & the Children of the said William Scales an Equivalent of Land in case she reconvey the above mentioned 249 Acres to the said Salter Therefore Praying that she may be impowered to make such Conveyance of the said Land to the said Sampson Salter accordingly.

Read &

*Ordered* that the Prayer of the Petition be granted And the Petitioner Administ<sup>r</sup> as aforesaid is impowered & enabled to convey back the Land bought by her said Husband to the said Sampson Salter that so she as well as her said Children may reap the Advantage proposed ; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed October 19.*]

## CHAPTER 222.

RESOLVE ALLOWING £35. 11. 3 TO SHER. WINSLOW.

Legislative  
Records of the  
Council, xiv.,  
180.

House Jour-  
nal, p. 98.  
*Ante*, p. 373,  
chap. 213.

AN ACCOUNT presented by Edward Winslow Esq<sup>r</sup> of Expences for the Entertainm<sup>t</sup> on the Kings Coronation Day, by Order of the Governor & Council, Amounting to the sum of £35. 11. 3.

Read &

*Resolved* that the sum of Thirty five Pounds eleven shillings & three pence be allowed & paid out of the publick Treasury to the Accountant Edward Winslow Esq<sup>r</sup> to be by him repaid to whom the same is respectively due in full discharge thereof. [*Passed October 22.*]

## CHAPTER 223.

ORDER ALLOWING 40/ TO LYDIA PERKINS.

Legislative  
Records of the  
Council, xiv.,  
180.

House Jour-  
nal, p. 101.

A PETITION of Lydia Perkins of Boston, Praying that she may be allowed for a Forty shilling Bill of Credit of this Province, which accidentally drop'd out of her hand into the Fire, & was consumed to Ashes.

Read &

*Ordered*<sup>1</sup> that the Prayer of the Petition be granted, & that the Treasurer be directed to deliver the Petition<sup>r</sup> a Forty shilling Bill accordingly, she having made Oath to the Truth of the Fact. [*Passed October 22.*]

## CHAPTER 224.

ORDER IMPOWERING JOS. EPHRAIM TO SELL LAND.

Legislative  
Records of the  
Council, xiv.,  
180.

House Jour-  
nal, p. 102;  
p. 16 (April,  
1729).

A PETITION of Joseph Ephraim of Natick Indian Praying that this Court would enable him to make Sale of about eighteen Acres of Land lying in the said Town, & the Produce thereof to be employed for the building & finishing a Dwelling house he has begun for his Son.

Read &

*Ordered* that the Prayer of the Petition be granted, And M<sup>r</sup> John

<sup>1</sup> “*Resolved*,” in the House Journal.

Death<sup>1</sup> is desired to take Care that the Land be sold for the full Value and the Produce thereof be laid out according to the Proposal in the Petition. [*Passed October 24.*<sup>2</sup>

## CHAPTER 225.

ORDER ON SETH BABBETS PETITION FOR AUTHORITY TO SELL LAND.

A PETITION of Seth Babbet Administ<sup>r</sup> to the Estate of Timothy Cooper of Easton in the County of Bristol Dec<sup>d</sup> Intestate, Shewing that the Debts of the Deceased Amount to £149. 9. 10 more than his personal Estate Praying the Authority of this Court for his making Sale of so much of the real Estate as will be sufficient to discharge the Debts due from the Estate.

Legislative  
Records of the  
Council, xiv.,  
180.  
House Jour-  
nal, p. 102.

Read & In answer to this Petition,

*Voted* that the Justices of the Superior Court of Judicature, or any three of them, be & hereby are empowered to grant the Prayer of the Petition at Boston as-soon as conveniently may be, as fully & in the same manner as thô the said Court were sitting in the County of Bristol, that so the Records & Sale may be lodged in the Files of the said Court, as by Law is directed; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed October 24.*<sup>3</sup>

## CHAPTER 226.

RESOLVE ALLOWING £6 TO CPT. STEP. EASTWICK.

*Resolved* that the sum of Six Pounds be allowed & paid out of the publick Treasury to Cpt. Stephen Eastwick in full for his Time, Trouble & Expence in visiting & viewing the Repairs at Fort Mary at Winter Harbour. [*Passed October 31.*

Legislative  
Records of the  
Council, xiv.,  
184.  
House Jour-  
nal, p. 39.  
*Ante*, p. 360,  
chap. 178.

## CHAPTER 227.

RESOLVE ALLOWING £200 FOR BUILDING A TRUCK HOUSE ON SACO RIVER.

*Resolved* that the sum of Two hundred Pounds be allowed & paid out of the publick Treasury to Elisha Plaisted Esq<sup>r</sup> to be by him repaid to Cpt. James Grant of Berwick, & by him to be used & disposed of in building & finishing the Truck house at Saco River erected by Order of this Court, The said Grant to be accountable for the said sum. [*Passed December 14.*

Legislative  
Records of the  
Council, xiv.,  
201.  
House Jour-  
nal, p. 122.  
*Ante*, p. 279,  
chap. 148.

<sup>1</sup> The House Journal reads, "*D'Aeth.*"

<sup>2</sup> According to the House Journal, p. 102, the House of Representatives non-concurred in this action, but at the next session, on April 11 (p. 16, April, 1729), passed the vote granting the petition and sent the same up for concurrence. But the State Library copy, Legislative Records of the Council, xiv., 202, agrees with the Secretary's record in stating concurrence on October 22, and consent of the Governor. Neither of these two records contains any reference to the subject in the following April.

<sup>3</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is October 22.

## CHAPTER 228.

## VOTE CONFIRMING LAND ACCORDING TO PLAN OF THE FIRST NARRAGANSET TOWN.

Legislative  
Records of the  
Council, xiv.,  
201. Maps and  
Plans, Mis.,  
vi., 32.

Maps and  
Plans, Mis.,  
vi., 32. House  
Journal, p. 123.  
*Ante*, p. 325,  
chap. 71.  
*Infra*, chap.  
229.

A PLAN given in by Major John Chandler, M<sup>r</sup> Edward Shove, & M<sup>r</sup> John Hobson a Committee of the Court, describing a Tract of Land, Containing Twenty three thousand, two hundred & eighty six Acres, two Roods & ten Perch without Allowance for the Pond, which is supposed to contain at least two hundred & forty six acres two roods & ten perch; the Residue (being 23,400 Acres) is the Contents of six miles square, & laid out in as regular a Figure as the Land would admit of, for one of the Towns granted by the General Court at their Session held the 29<sup>th</sup> of May 1728, to the Narraganset Soldiers, surveyed by the Assistance of M<sup>r</sup> Jonas Houghton Survey<sup>r</sup> & four Chain men all upon Oath; Which Land lies adjoining to the Towns of Rutland & Lunenburg additional Grant; & else where adjoins to Province Land.

Read and Accepted and

*Voted* That the Land protracted and described in the within plann<sup>1</sup> be and hereby is confirmed to the Officers and Soldiers belonging to this Province, who were in the Service of their Countrey in the late Naraganset War, and to their Heirs and Assigns or lawfull Representatives, provided it exceeds not the Quantity of Land with in mentioned, nor interferes with any other or former Grant of this Court, provided also they comply with the Conditions mentioned in the said Vote of 7<sup>th</sup> of June for Setling the said Town. [*Passed December 18.*]

## CHAPTER 229.

VOTE CONFIRMING LAND ACCORDING TO PLAN OF THE 2<sup>D</sup> NARRAGANSET TOWN.

Legislative  
Records of the  
Council, xiv.,  
201. Maps  
and Plans,  
Mis., vi., 31.

Maps and  
Plans, Mis.,  
vi., 31. Legis-  
lative Records  
of the Council,  
xiv., 80. House  
Journal, p. 123.  
*Supra*, chap.  
228.

A PLAN given in by Major John Chandler, M<sup>r</sup> Edward Shove, and M<sup>r</sup> John Hobson, a Committee of the Court, describing the Bounds of Land by them laid out for the other of the two Towns granted by the General Court at their Session in May 1728, to the Narraganset Soldiers lying on Sohegan River & adjoining thereto on the South; the East Part of it being about four or five Miles Westward of Merrimack River, & near the East end of the late proposed Line of Towns, between Dunstable & Northfield; the whole containing 24,457 Acres; of which 1,417 is more than the Contents of six miles square, Surveyed by the Assistance of Jonas Houghton Surveyor and Chain men, All of them being under Oath.

Read and Accepted and

*Voted* That the Land protracted and described in the within plann<sup>2</sup> be and hereby is confirmed to the Officers and Soldiers belonging to this Province, who were in the Service of their Countrey in the late Naraganset War, and to their heirs and Assigns or lawfull Representatives, provided it exceeds not the Quantity of Land within mentioned, nor interferes with any other or former Grant of this Court, provided also they comply with the Conditions mentioned in the said Vote of 7<sup>th</sup> June for Setling the said Town. [*Passed December 18.*]

<sup>1</sup> This afterwards became Westminster.

<sup>2</sup> This afterwards became Amherst, N. H.

## CHAPTER 230.

RESOLVE ALLOWING £109. 13. 1 TO THE COMMITTEE FOR THE NARRAGANSET TOWNS.

AN ACCOMPT presented by Major John Chandler of the Committees Time & Expence in laying out Land for two Towns, granted to the Narraganset Soldiers, Amounting to £109. 13. 1.

[Read and Accepted and]

*Resolved* that the sum of One hundred & nine Pounds thirteen shillings & one peny be allowed & paid out of the publick Treasury to Major John Chandler to be by him [paid]<sup>1</sup> to whom the same is respectively due in full discharge thereof. [*Passed December 18.*]

Legislative  
Records of the  
Council, xiv.,  
202.

House Jour-  
nal, p. 124.  
*Ante*, p. 378,  
chap. 228.  
*Supra*, chap.  
229.

## CHAPTER 231.

VOTE ACCEPTING REPORT OF YE SURVEY OF TANTINSQUES BELONGING TO THE HEIRS OF WAIT WINTHROP ESQ<sup>r</sup> DEC<sup>d</sup>.

PURSUANT to an Order of the General Assembly of the 17<sup>th</sup><sup>2</sup> of June 1728, We have reformed the Survey of Ten thousand two hundred & forty Acres of Land at Tantinsques or the Black Lead Mines, being of the Contents of four miles square, belonging to the Heirs of the late Hon<sup>ble</sup> Major General Winthrop Dec<sup>d</sup> & have laid it out in a square Figure, Including said Mine, as the subsequent Map shews. The prick'd Line A b was the East Bounds of Brimfield new Grant: The Survey, as now made, extends Westward one mile & an half into said Grant; viz the dark Line c—d, It bounds South on the Colony Line, West on Brimfield North, partly on Brimfield<sup>3</sup> & partly on Province Land; & East on Province Land; And as we judge is a full Equivalent for his former Survey.

Legislative  
Records of the  
Council, xiv.,  
202. Maps and  
Plans, Mis.,  
vi., 33.

Maps and  
Plans, Mis.,  
vi., 12, 33.  
House Jour-  
nal, p. 125.  
*Ante*, p. 307,  
chap. 22.  
*Infra*, chap.  
232.

{ SAM<sup>l</sup> THAXTER  
  THO. TILESTONE  
  JN<sup>r</sup> CHANDLER JUN<sup>r</sup>

Read and Accepted and

*Voted* That the Lands delineated and described in the within Plann be and hereby are confirmed to the Heirs of the late Honourable Waite Winthrop Esq<sup>r</sup> deceased accordingly. [*Passed December 18.*]

## CHAPTER 232.

RESOLVE ALLOWING £21. 11. 3 TO THE COMMITTEES ACC<sup>t</sup> OF THE CHARGE OF LAYING OUT LANDS AT TANTINSQUES.

AN ACCOMPT presented by Samuel Thaxter Esq<sup>r</sup> of the Committees Time & Expence in laying out the Lands at Tantinsques to the Heirs of Waitstill Winthrop Esq<sup>r</sup> Amounting to the sum of £21. 11. 3.

Read &

*Resolved* that this Acc<sup>t</sup> be Accepted & that the Town of Brimfield

Legislative  
Records of the  
Council, xiv.,  
202.

House Jour-  
nal, p. 125.  
*Supra*, chap.  
231.

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 228.

<sup>2</sup> The House Journal reads, "7<sup>th</sup> of June last," the date under which the committee was appointed. See *ante*, p. 307, chap. 22.

<sup>3</sup> The words "North, partly on Brimfield" are supplied from the State Library copy, Legislative Records of the Council, xiv., 228.

& the Heirs of the late Hon<sup>ble</sup> Wait Winthrop Esq<sup>r</sup> Dec<sup>d</sup> do pay in equal Moieties or Halves the said sum of Twenty one Pounds eleven shillings & three pence to Samuel Thaxter Esq<sup>r</sup> to be by him repaid to whom it is due in full discharge thereof. [*Passed December 18.*]

## CHAPTER 233.

RESOLVE ALLOWING £23. 2. 6 TO BART. GREEN & SAM<sup>l</sup> KNEELAND.

Legislative  
Records of the  
Council, xiv.,  
203.

House Jour-  
nal, p. 124.

AN ACCO<sup>MT</sup> presented by Mess<sup>rs</sup> Bartholemew Green & Samuel Kneeland of the Charge of Printing the Votes of the House of Representatives pass<sup>d</sup> at the Session held the 29<sup>th</sup> of May 1728, together with Paper for the same, Amounting to the sum of £23. 2. 6.

[Read and]

*Resolved* that the sum of Twenty three Pounds two shillings & six pence be allowed & paid out of the publick Treasury to the Accomptants Bartholemew Green & Samuel Kneeland in full discharge thereof. [*Passed December 18.*]

## CHAPTER 234.

RESOLVE ALLOWING PAYMENT OF THE MUSTER ROLL OF THE GARRISON AT CASTLE WILLIAM.

Legislative  
Records of the  
Council, xiv.,  
203.

House Jour-  
nal, p. 126.

A MUSTER ROLL of the Company or Garrison in his Majestys Service at Castle William under the Command of the Hon<sup>ble</sup> William Dummer Esq<sup>r</sup> Containing an Accompt of Wages due to them for their Service from the 20<sup>th</sup> Day of May 1728, to the 17<sup>th</sup> of Novem<sup>r</sup> following, Amounting to the sum of £493. 8. 2.

[Read and Accepted and]

*Resolved* that the sum of Four hundred & ninety three Pounds eight shillings & two pence<sup>1</sup> be allowed & paid out of the publick Treasury to the Hon<sup>ble</sup> William Dummer Esq<sup>r</sup> & the other Officers & Soldiers born on the within Roll, to whom the same is respectively due in full discharge thereof. [*Passed December 19.*]

## CHAPTER 235.

RESOLVE ALLOWING £179. 1. 11 TO LIEUT JOHN LARRABEE FOR VICTUALLING THE GARRISON AT CASTLE WILLIAM AND FURTHER ADVANCING HIM £200.

Legislative  
Records of the  
Council, xiv.,  
203.

House Jour-  
nal, p. 126,  
*Add.*, p. 301,  
chap. 7.

AN ACCO<sup>MT</sup> presented by M<sup>r</sup> John Larrabee of the Charge of Victualling the Garrison at his Majestys Castle William, the Hon<sup>ble</sup> William Dummer Esq<sup>r</sup> Commander from the 20<sup>th</sup> day of May 1728, to the 17<sup>th</sup> of Novem<sup>r</sup> following Amounting to the sum of £379. 1. 11 whereof £200 was advanced out of the publick Treasury to the said John Larrabee, Balance remaining due is £179. 1. 11.

Read &

*Ordered* that this Accompt be accepted, &

*Resolved* that M<sup>r</sup> Treasurer Allen be directed to pay unto the said

<sup>1</sup> The House Journal reads, £493. 8. 8.



John Larrabee the Accomptant, the Ballance thereof being One hundred & seventy nine Pounds one shilling & eleven pence, to discharge the same; And further to enable the said John Larrabee to victual the said Garrison according to the last Establishment that the sum of Two hundred Pounds be advanced to him out of the publick Treasury, he giving Security to the Treasurer for Accompting for the same. [*Passed December 19.*]

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## CHAPTER 236.

### RESOLVE ALLOWING PAYMENT OF THE MUSTER ROLL OF THE GARRISON AT RICHMOND FORT.

A MUSTER ROLL of the Garrison in his Majestys Service at Richmond Fort under the Command of Cpt. Joseph Heath, Containing an Accompt of Wages due to them for their Service from the 13<sup>th</sup> Day of July 1728, to the 18<sup>th</sup> of Decem<sup>r</sup> 1728, Amounting to the sum of £389. 19. 5.

Legislative  
Records of the  
Council, xiv.,  
203.

House Jour-  
nal, p. 126.

[Read and Accepted and]

*Resolved* that the sum of Three hundred & <sup>1</sup> eighty nine Pounds nineteen shillings & five pence be allowed & paid out of the publick Treasury to Cpt. Joseph Heath, to be by him repaid to the Persons born on this Roll to whom the same is respectively due in full discharge thereof. [*Passed December 19.*]

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## CHAPTER 237.

### RESOLVE ALLOWING £26. 17. 8 TO CPT. JOS. HEATH.

AN ACCOMPT presented by Cpt. Joseph Heath of the Charge of building a House or Shed for the Indians near Richmond Fort by Order of the Court, Amounting to the sum of £28. 17. 8.

Legislative  
Records of the  
Council, xiv.,  
204.

[Read and Accepted and]

*Resolved* that the sum of Twenty six Pounds seventeen shillings & eight pence be allowed & paid out of the publick Treasury to Cpt. Joseph Heath in full discharge thereof. [*Passed December 19.*]

House Jour-  
nal, p. 126.  
*Ante*, p. 371,  
chap. 207.  
*Infra*, chap.  
238.

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## CHAPTER 238.

### RESOLVE ALLOWING £22. 8. 5 TO CPT. JOS. HEATH.

A MEMORIAL of Cpt. Joseph Heath, Setting forth that he has entertained divers Indians at Richmond Fort for the Service of the Governm<sup>t</sup> as he judged agreeable to the Trust reposed by a Vote of the General Court, the Charge whereof amounts to £18. 8. 5 And that he hath paid Four Indians that brought to him two Deserters from Fort George the sum of Four Pounds as a Reward for their good Service, Praying that the said Sums may be reimbursed to him out of the publick Treasury.

Legislative  
Records of the  
Council, xiv.,  
204.

House Jour-  
nal, p. 126.  
*Supra*, chap.  
237.

Read [and Accepted] & In answer to this Memorial

*Resolved* that the sum of Twenty two Pounds eight shillings & five pence be allowed & paid out of the publick Treasury to Cpt. Joseph Heath in full discharge thereof. [*Passed December 19.*]

## CHAPTER 239.

RESOLVE ALLOWING £11. 4 TO JN<sup>o</sup> SAVIL.

Legislative  
Records of the  
Council, xiv.,  
204.

House Jour-  
nal, p. 125.

AN ACCOMPT presented by John Savil of Time & Expence in summoning divers Represent<sup>ves</sup> to the Court, Amounting to the sum of £16. 2.

[Read and Accepted and]

*Resolved* that the sum of Eleven Pounds four shillings be allowed & paid out of the publick Treasury to the Accomptant John Savil in full discharge thereof. [*Passed December 19.*]

## CHAPTER 240.

RESOLVE ALLOWING £1,155. 17. 6 ON ACCT OF THE REPAIRS OF THE PROVINCE HOUSE.

Legislative  
Records of the  
Council, xiv.,  
204.

House Jour-  
nal, p. 124.  
*Ante*, p. 258,  
chap. 34.

AN ACCOMPT presented by M<sup>r</sup> Thomas Cushing in behalf of the Committee appointed for that service, of the Charge of repairing the Province house for the Entertainm<sup>t</sup> of the Governor, done by Order of the General Court, Amounting to the sum of £2,391. 8. 6 whereof £1,135. 8. 8 was advanced & £10. 2. 4 deducted for Over Charge in the Trades mens Bills, Ballance remaining due is £1,155. 17. 6.

Read & Accepted &

*Resolved* that the Ballance of this Accompt. being One thousand one hundred & fifty five Pounds seventeen shillings & six pence be allowed & paid out of the publick Treasury to M<sup>r</sup> Thomas Cushing the Accomptant, to be by him repaid to whom the same is respectively due in full discharge thereof. [*Passed December 19.*]

## CHAPTER 241.

RESOLVE ALLOWING £20 TO M<sup>r</sup> W<sup>m</sup> WELSTEAD.

Legislative  
Records of the  
Council, xiv.,  
204.

House Jour-  
nal, p. 126.

*Resolved* that the sum of Twenty Pounds be allowed & paid out of the publick Treasury to Elisha Cook Esq<sup>r</sup> to be by him repaid to the Rev<sup>d</sup> M<sup>r</sup> William Welsted, who officiated as Chaplain since the May Session during their Sitting at Boston with the Thanks of the Court for his Service therein. [*Passed December 19.*]

## CHAPTER 242.

RESOLVE ALLOWING £30 TO RICH<sup>d</sup> HUBBARD.

Legislative  
Records of the  
Council, xiv.,  
205.

House Jour-  
nal, p. 127.

*Resolved* that the sum of Thirty Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Richard Hubbard Door Keeper to this Court in part for his Service half a Year, which will determine the 19<sup>th</sup> of February next. [*Passed December 19.*]

## CHAPTER 243.

RESOLVE ALLOWING £9 TO JN<sup>O</sup> TUCKERMAN.

AN Accompt presented by John Tuckerman of Time & Expence in riding Express to summon the Members of the House of Representatives to attend the Court; Amounting to the sum of £16.

Legislative  
Records of the  
Council, xiv.,  
205.

House Jour-  
nal, p. 125.

[Read and Accepted and]

*Resolved* that the sum of Nine Pounds be allowed & paid out of the publick Treasury to the Accomptant John Tuckerman in full discharge thereof. [*Passed December 19.*]

## CHAPTER 244.

RESOLVE ALLOWING £4. 17. 4 TO JN<sup>O</sup> FOSDICK.

AN Accompt presented by John Fosdick Black Smith of Work done at the Province house in the years 1726, & 1727, Amounting to the sum of £4. 17. 4.

Legislative  
Records of the  
Council, xiv.,  
205.

House Jour-  
nal, p. 125.

[Read and]

*Resolved* that the sum of Four Pounds seventeen shillings & four pence be allowed & paid out of the publick Treasury to the Accomptant John Fosdick in full discharge thereof. [*Passed December 19.*]

## CHAPTER 245.

ORDER DIRECTING M<sup>R</sup> TREASURER TO SUPPLY THE STORES AS PER INDENT FOR CASTLE WILLIAM.

AN INDENT of sundry Stores wanting at his Majestys Castle William, presented by William Barnsdale Master Gunner there.

Legislative  
Records of the  
Council, xiv.,  
205.

Read &

*Ordered* that M<sup>r</sup> Treasurer be directed to supply the Stores within mentioned accordingly.<sup>1</sup> [*Passed December 19.*]

House Jour-  
nal, p. 126.

## CHAPTER 246.

RESOLVE ALLOWING PAYMENT OF CPT. JN<sup>O</sup> POMROYS MUSTER ROLL.

A MUSTER ROLL of the Company late in his Majestys Service Westward under the Command of Cpt.<sup>2</sup> John Pomroy, Containing an Accompt of Wages due to them for their Service from the 23<sup>d</sup> Day of June to the 13<sup>th</sup> of July 1728, Amounting to the sum of £29. 8.

Legislative  
Records of the  
Council, xiv.,  
205.

House Jour-  
nal, p. 125.

[Read and Accepted and]

*Resolved* that the sum of Twenty nine Pounds eight shillings be allowed & paid out of the publick Treasury to M<sup>r</sup> John Nash, to be by him paid to whom it is due in full discharge thereof. [*Passed December 19.*]

<sup>1</sup> The Governor's consent is given in the State Library copy, Legislative Records of the Council, xiv., 231, but not in the Secretary's.

<sup>2</sup> The House Journal reads, "Lieut."

## CHAPTER 247.

VOTE DIRECTING M<sup>R</sup> TREASURER TO SUPPLY STORES AS PER CPT.  
JOHN GYLES' INDENT.

Legislative  
Records of the  
Council, xiv.,  
205.

House Jour-  
nal, pp. 126, 127.

AN INDENT presented by Cpt. John Gyles of sundry Stores wanting at the Fort at S<sup>t</sup> Georges River under his Command.

Read [and Accepted] &

*Voted* that M<sup>r</sup> Treasurer be directed to supply Cpt. John Gyles with the Particulars mentioned in this said [Indent]<sup>1</sup> & that that<sup>2</sup> the said Gyles render an Account of the disposition of the same to this Court. [*Passed December 20.*]

## CHAPTER 248.

ORDER ACCEPTING REPORT OF THE COMMITTEE FOR A NEW TOWN  
TO BE TAKEN OUT OF CONCORD & BILLERICA.

Legislative  
Records of the  
Council, xiv.,  
206.

House Jour-  
nal, p. 127.  
Province  
Laws, II., 527,  
chap. 1. *Ante*,  
p. 345 chap.  
133.

THE COMMITTEE appointed by the Great & General Court the 29<sup>th</sup> of July last on the Petition of divers Inhabitants of Billerica & Concord, to repair to the Lands of the Billerica Petitioners, & carefully view & consider the Situation & Circumstances of the said Petitioners, having first seasonably notified the Town of Billerica of the time of their coming, did attend that Service and after a full Hearing of the Pleas & Allegations of all Parties concerned therein, & mature consideration thereon report their Opinion as follows; viz,

The Committee are humbly of Opinion that the Lands petitioned for as well by the Billerica Petitioners as those of Concord, & by a Vote of the Town of Concord set off to & joined with the Petitioners of Billerica in making a distinct Township, are well accomodated for that purpose; That therefore the said Lands with the Inhabitants thereon be set off & erected into a separate & distinct Township by the following Metes & Bounds; viz, Beginning at Concord great River, so running in the Line between Richard Wheelers & William Colburns Land, taking in the said Wheelers Farm, to a Stake standing in a Ditch Bank; then turning in the Line between Joseph Wheelers & Jonathan Wheelers Land; so in the Line between John Miriams and Ruth Hartwells Land; then turning to a Ditch Bank between Peter Harwood & Eleazer Flaggs Meadow, to a Pine Tree standing in Timothy Wheelers Meadow, then to the East End of said Wheelers Dam; thence to the Corner of said Wheelers Fence near to John Sterns's Field, then streight to a Stump, being a Bound Mark between Samuel Hartwells & Stephen Davis's Land; so, taking in Stephen Davis's Farm to Lexington Bounds, & keeping Lexington Line to Billerica Line, to a Stake & Heap of Stones being the North Easterly Corner of Concord; from thence continuing on Lexington Line to a Stake; & Heap of Stones called Woburn Corner; from thence to run on Woburn Line, to the North East Corner of William Symonds's Land; running so as to comprehend said Symonds's Farm, & M<sup>r</sup> Thomsons Farm, to a white Oak, East of the High way from Bacons to Billerica mark'd W F. B a streight Line from thence to the North west Corner of Bacons Farm; from thence on a streight Line to the North west Corner of Christopher Pages; then to keep the Line so as to comprehend the said Farm; & from thence on a strait

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 232.

<sup>2</sup> *Sic.*

Line to the North west Corner of Matthew Whipples Farm at Concord River; said River to be the Westerly Bounds of the Township. Which is submitted

By SPENCER PINES, In the Name & by Order of the Committee.<sup>1</sup>

Read &

*Ordered* that this Report be accepted; & that the Petitioners have leave to bring in a Bill accordingly. [*Passed December 20.*]

## CHAPTER 249.

### VOTE APPOINTING AND IMPOWERING A COMMITTEE ON THE METHUEN PETITION TO PROSECUTE TRESPASSERS.

A PETITION of Joshua Swan, David Farnham & divers others Inhabitants of the Town of Methuen Praying for the Protection of this Govern<sup>t</sup> in the Settlement of their Lands belonging to this Province, extending three miles to the Eastward of Merrimack River, that so they may have no Disturbance from the People of an other Govern<sup>t</sup>

Legislative  
Records of the  
Council, xiv.,  
207.

House Jour-  
nal, p. 128.  
Province  
Laws, ii., 367,  
chap. 12.

Read & In answer to this Petition,

*Voted* that John Wainwright & Richard Saltonstall Esq<sup>rs</sup> be a Committee, & they are fully authorized & impowered by this Court jointly & severally to prosecute to Effect any Trespasser or Trespassers on the Province Land lying within the Township of Methuen in the County of Essex, & reserved in the Act for making Methuen a Township. [*Passed December 20.*]

## CHAPTER 250.

### RESOLVE ALLOWING £3. 13 TO JOHN PRATT.

AN Accomt presented by John Pratt of Salem Inn holder of the Expence of divers Committees of the House of Represent<sup>ves</sup> Amounting to the sum of £5. 13.

Legislative  
Records of the  
Council, xiv.,  
207.

Read &

*Resolved* that the sum of Three Pounds thirteen shillings<sup>2</sup> be allowed & paid out of the publick Treasury to the Accomptant John Pratt or Order in full discharge thereof. [*Passed December 20.*]

House Jour-  
nal, p. 128.

<sup>1</sup> The State Library copy, Legislative Records of the Council, xiv., 232, varies in some slight verbal particulars from the foregoing.

<sup>2</sup> Executive Records of the Council, ix., 113, and the House Journal read, £5. 13.

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT SALEM,  
ON THE SECOND DAY OF APRIL, A.D. 1729.

## CHAPTER 251.

ORDER REFERRING JN<sup>o</sup> COWINGS PETITION TO THE NEXT SESSION OF  
THE SUPERIOR COURT.

Legislative  
Records of the  
Council, xiv.,  
208.

House Jour-  
nal, p. 3.

A PETITION of John Cowing<sup>1</sup> of Rochester in the County of Plymouth Shewing that he was committed to his Majestys Goal in Plymouth on an Execution in February last. that he has no Estate to support him self, & that he has used his Endeavours to obtain a regular Discharge, but that without Effect, And therefore Praying for Relief.

Read &

*Ordered* that this Petition be refer'd to the Justices of the Superior Court of Judicature at their next Session to be held in the Town of Plymouth for the County of Plymouth, that they inquire into the Matter of this Complaint, & direct to such Remedies for the Petition<sup>r</sup> as is agreeable to Law & Justice. [*Passed April 2.*]

## CHAPTER 252.

RESOLVE ALLOWING PAYMENT OF CPT. THO. SAUNDERS MUSTER  
ROLL.

Legislative  
Records of the  
Council, xiv.,  
209.

House Jour-  
nal, p. 2.

A MUSTER ROLL of the Sloop Endeavour, Cpt. Thomas Saunders Jun<sup>r</sup> Master Containing an Accompt of Wages due to the said Master & Company together with the Hire of the said Sloop from the 21<sup>st</sup> of June 1728, to the thirld of April 1729, Amounting to the sum of £358. 15.

[Read and Committed and]

*Resolved* that the sum of Three hundred & fifty eight Pounds fifteen shillings be allowed & paid out of the publick Treasury to Cpt. Thomas Saunders, to be by him repaid to the Persons to whom the same is respectively due in full Discharge of the Wages & Sloop Hire due on the Roll. [*Passed April 2.*]

## CHAPTER 253.

RESOLVE ALLOWING PAYMENT OF CPT. JOHN GYLES MUSTER ROLL.

Legislative  
Records of the  
Council, xiv.,  
209.

House Jour-  
nal, p. 2.

A MUSTER ROLL of the Garrison at the Block house on S<sup>t</sup> Georges River under the Command of Cpt. John Gyles, Containing an Accompt of Wages due to them for their Service from June 21<sup>st</sup> 1728, to Decem<sup>r</sup> 26. 1728, Amounting to the sum of £338. 10. 10.

<sup>1</sup> In the House Journal, "*Cowley*," but the State Library copy, Legislative Records of the Council, xiv., 235, agrees with the Secretary's copy.

[Read and]

*Resolved* that the sum of Three hundred & sixteen Pounds nineteen shillings & four pence be allowed & paid out of the publick Treasury to Cpt. John Gyles or his Order, in full discharge of the Wages due to the Officers & Soldiers born thereon; & that the remaining sum of Twenty one Pounds eleven shillings & six pence be allowed & paid out of the publick Treasury to M<sup>r</sup> Ezekiel Lewis for the Accompt of Abraham Johnson Interpreter; To whom the said M<sup>r</sup> Lewis is accountable. [*Passed April 2.*]

*Ante*, p. 246,  
chap. 64.

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## CHAPTER 254.

RESOLVE ALLOWING £57. 12. 3 TO BENJ<sup>A</sup> ELLIOT.

AN ACCOMPT presented by Benjamin Elliot of Laws furnished the Towns & Members of the General Court, Stationers Wares, furnished the Council & House of Represent<sup>ves</sup> Superior Court &c from January 8. 1727, to March 25. 1729, Amounting to the sum of £57. 12. 5.

Legislative  
Records of the  
Council, xiv.,  
209.

[Read and]

*Resolved* that the sum of Fifty seven Pounds twelve shillings & three pence be allowed & paid out of the publick Treasury to M<sup>r</sup> Benjamin Elliot in full thereof, Cpt. Stephen Eastwick a Member of this House declaring he had examined the Accompt with M<sup>r</sup> Elliots Books, with which it agreed. [*Passed April 3.*]

House Jour-  
nal, p. 2.  
*Infra*, chap.  
255.

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## CHAPTER 255.

RESOLVE ALLOWING £22. 2 TO BENJ<sup>A</sup> ELLIOT.

AN ACCOMPT presented by M<sup>r</sup> Benjamin Elliot, of Stationers Wares furnished the Secretarys Office from the 12<sup>th</sup> of January 1727, to the 2<sup>th</sup> of March 1728, Amounting to the sum of £22. 2.

Legislative  
Records of the  
Council, xiv.,  
210.

[Read and]

*Resolved* that the sum of Twenty two Pounds two shillings be allowed & paid out of the publick Treasury to M<sup>r</sup> Benjamin Elliot in full discharge thereof. [*Passed April 3.*]

House Jour-  
nal, p. 2.  
*Supra*, chap.  
254.

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## CHAPTER 256.

ORDER GRANTING JOHN HOVEY LICENSE TO KEEP A TAVERN.

A PETITION of John Hovey of Cambridge, Shewing that the House w<sup>ch</sup> was the Estate of his Father John Hovey Dec<sup>d</sup> commonly called the Blew Anchor Tavern in Cambridge, an ancient Inn, falls to him by Right of Inheritance, that the late Inn holder there, M<sup>r</sup> Watson being removed, the Petitioner has applied to the Select men of the said Town of Cambridge, & has obtained their Approbation for Keeping an Inn or Tavern there, And therefore Praying for an Order of this Court to empower the Justices in their General Sessions of the

Legislative  
Records of the  
Council, xiv.,  
210.

House Jour-  
nal, p. 4.  
Province  
Laws, ii., 415,  
chap. I.

Peace for the said County to grant the Petition<sup>r</sup> a Licence to keep a Tavern in the said House accordingly.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Justices of the Peace for the County of Middlesex in their next General Sessions be empowered & directed, if they see Cause, to grant a Licence to the Petitioner to be a Taverner in Cambridge, The time by Law appointed for granting Licences for the present year being elapsed notwithstanding. [*Passed April 4.*]

## CHAPTER 257.

VOTE REFERRING SUSAN. HARRIS PETITION TO THE NEXT MAY SESSION, WITH NOTICE.

Legislative  
Records of the  
Council, xiv.,  
211.

House Jour-  
nal, p. 5.

A PETITION of Susannah Harris of Boston, Shewing that her Father Richard Harris by his last Will & Testament bequeathed to the Petitioner an House & Land in Salem for her Life, with Power to the Petitioners Mother, to dispose of the same, if she found it necessary for the Maintenance of the Petitioner, who is in an impotent Condition; And forasmuch as the Petitioners Mother is now dead, & the said House being very much out of Repair; the Rent thereof, being very small, & not sufficient to maintain the Petitioner; & the said House & Land if sold will fetch a considerable sum, Therefore Praying that she may be empowered by an Order of this Court to make Sale of the Premises, the Produce thereof to be secured in such manner as this Court shall judge meet.

Read & Refer'd to the next May Session for further Consideration & that in the mean time, the Petitioner serve the adverse Parties Mary Welch, Elisabeth Dutch & Hannah Palfrey with a Copy thereof that so they shew cause, if any they have, on the first Fryday of the next Session why the Prayer thereof should not be granted. [*Passed April 4.*]

## CHAPTER 258.

RESOLVE DISCHARGING THE COMMITTEES ACCT<sup>r</sup> OF SELLING LAND NEAR MANCHAUG.

Legislative  
Records of the  
Council, xiv.,  
212.

House Jour-  
nal, p. 7.  
*Ante*, p. 322,  
chap. 63.

AN ACCOUNT presented by Nathaniel Byfield Esq<sup>r</sup> William Dudley Esq<sup>r</sup> & M<sup>r</sup> Ezekiel Lewis of the Sale of 234 Acres of Province Land lying near Manchaug Farm by order of this Court for £125. 15. 3 Charges being £6. 7. 3 Ballance paid the Province Treasurer £119. 8. 3.

Read & Accepted; &

*Resolved* that the Accomptants be & hereby are discharged of the sum the Land within mentioned was sold for. [*Passed April 5.*]



## CHAPTER 259.

VOTE CONFIRMING LAND TO COLL. HARMAN, CPT. HILL, CPT. MOULTON  
CPT BOURNE & CPT WINSLOW.

A PLAT taken by Humphrey Scammon Surveyor, of a Tract of Land upon Saco River on the North East, adjoining to the Township of Biddeford, laid out upon Oath into the following Lots; viz, Two hundred Acres on the North west Part to Coll. Johnson Harman; then Two hundred Acres to Joseph Hill Esq<sup>r</sup> then One hundred Acres to Cpt. Jeremiah Moulton; then One hundred Acres to Cpt. Richard Bourn, & then one Hundred Acres to<sup>1</sup> M<sup>r</sup> John Winslow (all in one Tract,) to fulfill the Grants of the Gen<sup>l</sup> Assembly to the Persons before mentioned.

Read & Accepted, &

*Voted* that the particular Parcels of Land as delineated & described in the within Plat be & hereby are confirmed to the respective Grantees within named, their Heirs & Assigns respectively for ever, Provided the same exceeds not the Quantity of Land respectively granted, & does not interfere with any other or former Grant. [*Passed April 5.*]

Legislative  
Records of the  
Council, xiv.,  
212.

House Jour-  
nal, p. 5.

## CHAPTER 260.

RESOLVE ALLOWING £7. 8 TO CPT. TIM<sup>o</sup> CLARK.

AN ACCOMPT presented by Cpt. Timothy Clark of the Charge arising upon firing the Guns at the North & South Batteries on the Day of the Governors Arrival, Amounting to the sum of £7. 8.

[Read and]

*Resolved* that the sum of Seven Pounds eight shillings be allowed & paid out of the publick Treasury to the Accomptant Timothy Clark Esq<sup>r</sup> to be by him paid to whom it is due in full discharge thereof. [*Passed April 8.*]

Legislative  
Records of the  
Council, xiv.,  
213.

House Jour-  
nal, p. 9.  
*Ante*, p. 337,  
chap. 119.

## CHAPTER 261.

RESOLVE IMPOWERING M<sup>r</sup> DANIEL POWNING TO BUILD STEPS FOR THE  
POWDER HOUSE.

A MEMORIAL of M<sup>r</sup> Daniel Powning Keeper of the Powder house in Boston, Shewing that some evil minded Persons on the Evening of the fifth of Novem<sup>r</sup> last carried away & burnt the Steps of the Powder house, And therefore Praying the Direction of the Court, for getting new Steps made either of Wood or Stone as may be judged most proper

Read &

*Ordered* that the Memorialist be impowered & desired to get some suitable Stones & make convenient Steps of them for the said Powder house & lay an Accompt of the Cost thereof before this Court. [*Passed April 8.*]

Legislative  
Records of the  
Council, xiv.,  
212, 214.

House Jour-  
nal, p. 6.

<sup>1</sup> The words "Cpt. Richard Bourn, & then one Hundred Acres to" are inserted from the State Library copy, Legislative Records of the Council, xiv., 210. They also appear in the House Journal, p. 5.

## CHAPTER 262.

RESOLVE ALLOWING £9. 17 TO BENJ<sup>A</sup> ROLFE.

Legislative  
Records of the  
Council, xiv.,  
215.

House Jour-  
nal, p. 2.

AN ACCOUNT presented by M<sup>r</sup> Benjamin Rolfe of Writing done for the Publick, Amounting to the sum of Nine Pounds seventeen shillings.

Read &

*Resolved* that the sum of Nine Pounds seventeen shillings be allowed & paid out of the publick Treasury to the Accountant Benjamin Rolfe in full discharge thereof. [*Passed April 9.*]

## CHAPTER 263.

ORDER ALLOWING £22. 19. 6 TO ELEAZ. RIDER OUT OF THE ESTATE OF SAMUEL OMPETOWENUM, AN INDIAN.

Legislative  
Records of the  
Council, xiv.,  
215.

House Jour-  
nal, p. 9.  
*Ante*, p. 367,  
chap. 196.  
*Infra*, chap.  
265.

A PETITION of Eleazar Rider of Sherburn in the County of Middlesex Shewing that he has been at considerable Expence to the Amount of £22. 19/ 6 (according to the Account hereunto annexed) in the Sickness & Funeral of an Indian Woman named Christian, belonging to Natick, who came accidentally to his House, where she was in a very ill state of Health, & it was advised by Justice Fulham the Overseer of the Indians & M<sup>r</sup> Peabody their Minister that she should be removed from his House; And foras much as this Court has granted Liberty for the Sale of Ninety Acres of Land in Natick aforesaid, which was the Estate of Samuel Umpatowen Dec<sup>d</sup> Father of the said Christian, Therefore Praying that he may be allowed his Charges afore mentioned out of the Produce of the said Land.

Read &

*Ordered* that the sum of Twenty two Pounds nineteen shillings & six pence be allowed & paid out of the sum of One hundred & seven Pounds, so much in the Hands of Mess<sup>rs</sup> Jonathan Plympton & John Death<sup>1</sup> of the Estate of the Father of the said Christian; & the said Plympton & Death are ordered to pay the same accordingly. [*Passed April 9.*]

## CHAPTER 264.

RESOLVE ALLOWING £5. 2. 6 TO JOS. MARION.

Legislative  
Records of the  
Council, xiv.,  
215.

House Jour-  
nal, p. 2.

AN ACCOUNT of Writing done for the publick by M<sup>r</sup> Joseph Marion Amounting to the sum of £5. 2. 6.

[Read and]

*Resolved* that the sum of Five Pounds two shillings & six pence be allowed & paid out of the publick Treasury to the Accountant Joseph Marion in full discharge thereof. [*Passed April 9.*]

<sup>1</sup> The House Journal reads, “*D’Eath.*”

## CHAPTER 265.

RESOLVE ALLOWING MESSRS PLIMPTON & DEATH'S ACCOUNT OF SALE  
OF AN ESTATE.

A MEMORIAL of Jonathan Plimpton & John Death<sup>1</sup> Shewing that agreeable to the Order of this Court they have made Sale of the Land of Samuel Umpatawen of Natick for the sum of Two hundred and two Pounds, ten shillings, & have accounted with John Absalom, to whom the said Umpatawen was indebted the sum of Eighty one Pounds seventeen shillings, whose Accompt was well vouched & to the Satisfaction of the Memorialists ; And the Memorialists Charges in this Affair amount to Thirteen Pounds four shillings ; The remaining sum being in their Hands & waits the Order of this Court.

Legislative  
Records of the  
Council, xiv.,  
215.

House Jour-  
nal, pp. 9, 12.  
*Ante*, p. 267,  
chap. 136.  
*Supra*, chap.  
263.

Read &

*Resolved* that this Accompt be allowed, & that the Petitioners be discharged of the sum of Ninety five Pounds one shilling ; & that the Ballance of the Accompt, being One hundred & seven Pounds nine shillings remain in the Petitioners hands for the Payment of any other just Debt of the said Umpatawens, & then the Residue to be for the Use & Benefit of the Heirs of the said Umpatawen as this Court shall order.  
[*Passed April 9.*

## CHAPTER 266.

## RESOLVE ALLOWING £12. 6 TO CPT. KELLOG.

A MEMORIAL of Cpt. Joseph Kellog, Shewing that one John Sergeant accompanied him in the Service of this Govern<sup>t</sup> to Canada in the Year 1728, & falling sick in Canada, received his Pay only to the 30<sup>th</sup> of May last ; so that there is now due to him to the tenth of July last, the sum of Twelve Pounds six shillings, Praying that the said sum may be allow'd to the said Sergeant.

Legislative  
Records of the  
Council, xiv.,  
216.

House Jour-  
nal, p. 10.  
*Ante*, p. 331,  
chap. 89.

Read &

*Resolved* that the sum of Twelve Pounds six shillings be allowed & paid out of the publick Treasury to the said Cpt. Joseph Kellog, to be by him paid to the said John Sergeant in full for his Services within mentioned. [*Passed April 9.*

## CHAPTER 267.

RESOLVE ALLOWING £36. 2. 10 TO REB<sup>a</sup> HOLMES.

AN ACCOMPT presented by Rebecca Holmes of the Expences of divers Committees of the General Assembly at her House from the first of August to the End of October 1728, Amounting to the sum of £36. 2. 10.

Legislative  
Records of the  
Council, xiv.,  
216.

House Jour-  
nal, p. 10.

[Read and]

*Resolved* that the sum of Thirty six Pounds two shillings & ten pence be allowed & paid out of the publick Treasury to the Accomptant Rebecca Holmes in full discharge thereof. [*Passed April 9.*

<sup>1</sup> The House Journal reads, "*D'Earth.*"

## CHAPTER 268.

RESOLVE ON CAPT. JOS. KELLOGS MEM<sup>o</sup> DIRECTING HIM TO BUILD A HOUSE FOR THE INDIANS AND A BOAT FOR TRANSPORTING STORES &c.

Legislative  
Records of the  
Council, xiv.,  
216.

House Jour-  
nal, p. 19.  
*Ante*, p. 333,  
chap. 95.

A MEMORIAL of Cpt. Joseph Kellog, Truck master at the Trading House above Northfield, Setting forth divers Difficulties in the said Trade as his present Instructions stand; Praying the Direction of this Court thereon, as also that a House or Shed may be built for a Shelter to the Indians when they come there to trade, that a Boat may be built for transporting the Stores & that he may have some thing allowed for a Present to the Indians, which he thinks will be for the publick Service

Read &

*Resolved* that the Memorialist be directed to build an Out House in some convenient Place near the Truck house above Northfield, for the Reception of the Indians when they come there to trade; the Charge thereof not to exceed Fifteen Pounds, that he build a Boat also for transporting the Supply for Trade, The Charge thereof not to exceed the sum of Eight Pounds: That the Memorialist be allowed & directed to dispose of Deer Skins Moose Skins & Tallow, as they are brought in, to the best Advantage he can; And that he take due Care that the Indians be not wronged in the Smiths Work done for them, & not to advance more than Fifteen per Cent. on Provisions, & supply the Soldiers with any Cloathing at the same Price as the Indians are supplied with; And that a suitable Present in Provisions or other proper Gifts not exceeding Five Pounds be made to the Indians at the Opening of the Trade. [*Passed April 10.*]

## CHAPTER 269.

RESOLVE ALLOWING £11. 18. 6 TO SHER. WINSLOW.

Legislative  
Records of the  
Council, xiv.,  
217.

House Jour-  
nal, p. 11.

AN ACCOMPT presented by Edward Winslow Esq<sup>r</sup> Sheriff of the County of Suffolk of Expences<sup>1</sup> on the Entertainm<sup>t</sup> ordered by the Government on the Queens Birth Day Amounting to the sum of £11. 18. 6.

[Read and]

*Resolved* that the sum of Eleven Pounds eighteen shillings & six pence be allowed & paid out of the publick Treasury to the Accomptant Edward Winslow Esq<sup>r</sup> in full discharge thereof. [*Passed April 10.*]

## CHAPTER 270.

RESOLVE ALLOWING 40/ TO JOHN TUCKERMAN.

Legislative  
Records of the  
Council, xiv.,  
217.

AN ACCOMPT presented by John Tuckerman of time & expence in riding Express to Salem with a Packet from London, directed to the Speaker, Amounting to the sum of £2. 8.

<sup>1</sup> The House Journal inserts here, "in the Council Chamber on the first of *March* last, being her Majesties Birth-Day."

[Read and]

*Resolved* that the sum of Forty shillings be allowed & paid out of the publick Treasury to the Accomptant in full discharge thereof.  
[*Passed April 10.*]

House Journal, p. 11.

## CHAPTER 271.

RESOLVE ALLOWING £26. 5 TO THE COMMITTEE APPOINTED TO EXAMINE PUBLIC PAPERS IN THE COURT HOUSE.

ELISHA COOK Esq<sup>r</sup> from the Committee appointed to examine the public Papers in the Court house gave in the following Report; viz,

Legislative Records of the Council, xiv., 217.

Pursuant to the within Order the Committee have attended the Service within mentioned, & examined & searched the Files & a great Number of single Papers belonging to the Publick, lodged in the Town house in Boston, have endorsed the Contents of the several Papers where wanting, as many did, & affixed the several Dates when transacted & disposed of them into their proper Nests or Partitions, denoting their Years; & find it impracticable to make a Table or Alphabet to so vast a Number of Papers, many of which have no Relation the one to the other: In attending this Work the Secretary attended nineteen Days, William Payne Esq<sup>r</sup> eighteen Days & Elisha Cook fifteen days & an half. Per Order,

House Journal, p. 12. *Ante*, p. 168, chap. 84.

ELISHA COOK

Read &amp;

*Resolved* that the sum of Twenty six Pounds five shillings be allowed & paid out of the publick Treasury to Elisha Cook Esq<sup>r</sup> to be by him repaid to the Persons to whom the same is due in full discharge thereof.  
[*Passed April 10.*]

## CHAPTER 272.

RESOLVE ALLOWING £12 TO JONAS HOUGHTON.

AN ACCOMPT presented by Jonas Houghton, of his surveying & laying out two Tracts of Land by the Order of this Court for the Officers & Soldiers that were in the Narraganset War, to be made into Townships, Amounting to the sum of Twelve Pounds.

Legislative Records of the Council, xiv., 218.

[Read and]

*Resolved* that the sum of Twelve Pounds be allowed & paid out of the publick Treasury to the Accomptant Jonas Houghton in full discharge thereof. [*Passed April 10.*]

House Journal, p. 12. *Ante*, p. 378, chaps. 228, 229.

## CHAPTER 273.

RESOLVE ALLOWING £282. 13. 4 FOR ACCT OF THE NEW BUILDING AT Y<sup>E</sup> HOSPITAL.

AN ACCOMPT presented by the Select men of the Town of Boston, of the Charge of building the House near the Hospital on Spectacle Island, ordered by this Court, Amounting to the sum of £282. 13. 4.

Legislative Records of the Council, xiv., 218.

[Read and]

*Resolved* that the sum of Two hundred & eighty two Pounds thirteen

House Journal, p. 12. *Ante*, p. 324, chap. 69.

shillings & four pence be allowed and paid out of the publick Treasury to M<sup>r</sup> David Farnham to be by him paid to whom it is due in full discharge thereof. [*Passed April 10.*]

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## CHAPTER 274.

RESOLVE ALLOWING £20 TO JN<sup>o</sup> WAINWRIGHT & RICH<sup>d</sup> SALTONSTALL ESQ<sup>rs</sup>.

Legislative  
Records of the  
Council, xiv.,  
218.

House Jour-  
nal, p. 11.  
*Ante*, p. 385,  
chap. 249.

A PETITION of John Wainwright & Richard Saltonstall Esq<sup>rs</sup> a Committee appointed by this Court to prosecute Trespassers on the Province Land in Methuen, Shewing that they have been at some Charge in prosecuting one William Bolton, against whom there is an Action now depending & that there are other Persons daily trespassing, And therefore Praying that they may be allowed & have advanced to them a suitable sum out of the publick Treasury for defraying the necessary Charges in the said Affair.

Read &

*Resolved* that the sum of Twenty Pounds be allowed & paid out of the publick Treasury to the Petitioners John Wainwright, & Richard Saltonstall Esq<sup>rs</sup> to enable them to prosecute any Trespassers on the Province Land in Methuen; For the Expence of which sum they are to be accountable to this Court. [*Passed April 10.*]

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## CHAPTER 275.

ORDER ALLOWING SUTTON PROPRIET<sup>rs</sup> TO CORRECT A MISTAKE IN CONFIRMATION OF LAND GRANT.

Legislative  
Records of the  
Council, xiv.,  
219.

Legislative  
Records of the  
Council, viii.,  
32. House  
Journal, p. 15.  
Province  
Laws, viii., 46,  
chap. 101.

A PETITION of Nathaniel Jones & Jonathan Draper in behalf of the Proprietors of the Town of Sutton, Shewing that John Coömer and others, who had purchased the Lands now called Sutton of the Indians, obtained a Confirmation of their Right from the General Court in the year 1704, In which year the late Govern<sup>r</sup> Dndley granted to the said Propriet<sup>rs</sup> a Patent of the said Land, In which Patent, Instead of the Name George Danson, one of the s<sup>d</sup> Purchasers there was by mistake inserted the Name of Elisabeth Wilson of Hartford, who was Daughter of the second Wife of the said Danson, by a former Husband, who had no Right either by Heirship or Purchase to the said Lands; And therefore Praying that the said Mistake may be rectified & that the Heirs or legal Represent<sup>rs</sup> of the said George Danson may have their Right restored, & be relieved in such manner as this Court shall judge proper.

Read &

*Ordered* that the Petitioners serve the Heirs or Legatees of M<sup>rs</sup> Elisabeth Wilson late of Hartford Dec<sup>d</sup> with a Copy, of this Petition, that so they may give in their Answer thereto on the third Wednesday of the next May Session. [*Passed April 11.*]

## CHAPTER 276.

ORDER ACCEPTING REPORT OF THE COMMITTEE RECOMMENDING THAT  
EDM<sup>d</sup> INGOLS & OTHERS BE RELEASED FROM IMPRISONMENT.

THE COMMITTEE appointed to consider the Petition of Edmund Ingols, Jeremiah Armsbee & Jonathan Thurbar<sup>1</sup> said to be in Prison at Bristol on the account of a Ministerial Rate, are of Opinion that the Petitioners be forthwith released from their Imprisonm<sup>t</sup> & have the benefit of the late Law of the Province, made for the Ease of Baptists & Quakers; And Jonathan Bosworth one of the late Constables of Rehoboth be impowered & required to attend the Directions of the said Law, as well in exempting the Polls of the Petitioners, as in making Distress on their Estates (if need require,) The Execution or Service of the Warrant to him directed notwithstanding: Which Warrant therefore is so far revived & continued in Force & Vertue. All which is submitted,

By JOHN CUSHING, by Order of the Comm<sup>tee</sup>

Read &

Ordered that this Report be accepted. [*Passed April 11.*]

Legislative  
Records of the  
Council, xiv.,  
219.

Legislative  
Records of the  
Council, xiv.,  
210. House  
Journal, pp. 76,  
78, 79, 81 (Jan-  
uary, 1727);  
pp. 40, 44, 46, 50  
(June, 1728);  
p. 17. Province  
Laws, ii., 494,  
chap. 4 (June,  
1728); x., 19,  
chap. 36.  
*Ante*, p. 361,  
chap. 180.

## CHAPTER 277.

VOTE APPOINTING A COMM<sup>TEE</sup> TO TAKE A LIST OF NARRAGANSET  
SOLDIERS.

In the House of Represent<sup>ves</sup>

*Voted* that Major Quincy & M<sup>r</sup> Thomas Cushing with such as the Hon<sup>ble</sup> Board shall appoint be a Committee to take & examine a List of the Claimers to the Lands lately granted to the Narraganset Soldiers, & compleat the same, according to the Order of the eighth of June last, & make Report of their Doings at the next May Session, at the publick Charge. In Council; Read & Concur'd; And Thomas Hutchinson Esq<sup>r</sup> is joined in the Affair. [*Passed April 11.*]

Legislative  
Records of the  
Council, xiv.,  
220.

House Jour-  
nal, p. 12.  
*Ante*, p. 325,  
chap. 71.

## CHAPTER 278.

RESOLVE ALLOWING £65. 1. 6 TO D<sup>r</sup> GEO. PEMBERTON.

AN ACCOMPT presented by D<sup>r</sup> George Pemberton of Medicines and Attendance on the Officers & Soldiers belonging to the Garrison at Castle William ending Mar. 25. 1729, Amounting to the sum of £65. 1. 6.

[Read and]

*Resolved* that the sum of Sixty five Pounds one shillings & six pence be allowed & paid out of the publick Treasury to D<sup>r</sup> George Pemberton the Accomptant in full discharge thereof, The same being examined by D<sup>r</sup> Thomas Roby who says the Charges are reasonable. [*Passed April 11.*]

Legislative  
Records of the  
Council, xiv.,  
223.

House Jour-  
nal, p. 11.

<sup>1</sup> Written "Jeremiah Ingols & Jonathan Tarbar," in the Secretary's copy, Legislative Records of the Council, xiv., 210.

## CHAPTER 279.

## RESOLVE ALLOWING PAYMENT OF CPT. JOSEPH KELLOGS MUSTER ROLL.

Legislative  
Records of the  
Council, xiv.,  
224.

House Jour-  
nal, p. 11.

A MUSTER ROLL of the Garrison at the Block house above North-field under the Command of Cpt. Joseph Kellog, Containing an Account of Wages due to them for their service from the 20<sup>th</sup> of June 1728, to the 7<sup>th</sup> of April 1729, together with their Subsistence for the said Time, Amounting to the Sum of £391. 8. 10.

[Read and Accepted and]

*Resolved* that the sum of Three hundred & ninety one Pounds eight shillings & ten pence be allowed & paid out of the publick Treasury to Cpt. Joseph Kellog to be by him repaid to whom the same is respectively due in full discharge of the Wages & Subsistence thereof. [*Passed April 11.*]

## CHAPTER 280.

## ORDER IMPOWERING SUPERIOR COURT FOR ESSEX TO HEAR THE CASE OF CHA. &amp; SAR. JOHNSON.

Legislative  
Records of the  
Council, xiv.,  
224.

Legislative  
Records of the  
Council, xiv.,  
187. House  
Journal, p. 15.

A PETITION of Charles & Sarah Johnson Shewing that in an Action depending at an Inferior Court of Common Pleas, held in Newbury for the County of Essex in September last between the Petition<sup>rs</sup> & James Ruck & Benjamin Flynt, the said Ruck & Flynt entered their Plea in Bar on the Writ, which Plea was obliterated by Order of the Court, & yet reserved by the Defendants to the Superior Court held at Salem in October last, where the Judges were divided in their Opinion, & therefore continued the Action over to the next Court, And therefore Praying that the Judges may by an Order of this Court, be enabled to hear, try & pass Judgment upon the said Action notwithstanding the Plea in Bar, insisted on as aforesaid.

Read &

*Ordered* that the Prayer of the Petition be granted, & the Justices of the Superior Court of Judicature are empowered & directed to proceed in the Affair accordingly; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed April 11.*]

## CHAPTER 281.

## VOTE APPOINTING A COMMITTEE TO ADJUST THE NEW HAMPSHIRE LINE.

Legislative  
Records of the  
Council, xiv.,  
224.

House Jour-  
nal, p. 13.

A PETITION of Richard Saltonstall Esq<sup>r</sup> & Richard Hazzen Jun<sup>r</sup> in behalf of them selves & the other Inhabitants & Proprietors of the Town of Haverhill, Setting forth that they have lately been disturbed in the Enjoyment of their just Rights, & the Improvem<sup>t</sup> of the Lands, which they and their Ancestors have possessed in the said Town for many years by the Inhabitants of the Province of New Hampshire under Pretence of Grants from that Governm<sup>t</sup> And for as much as there seems to be a Disposition in the said Government of New Hampshire to bring forward an Accomodation with respect to the divisional



Line between the two Provinces, Therefore Praying that this Court would appoint a Committee to join with such Committee as may be appointed by the Govern<sup>t</sup> of New Hampshire to settle the Line between the two Provinces, or that the Petition<sup>rs</sup> may be otherwise relieved as this Court shall think fit.

In the House of Represent<sup>ves</sup> Read & in answer to this Petition, & for accomodating the Matters in difference between this Govern<sup>t</sup> & the Government of New Hampshire,

*Ordered* that Coll. Dudley, M<sup>r</sup> Cook, Coll. Wainwright, M<sup>r</sup> Remington & M<sup>r</sup> Thomas Cushing, with such as the Hon<sup>ble</sup> Board shall join be & hereby are chosen & appointed Commissioners on the part & behalf of this Govern<sup>t</sup> to meet with Commissioners that may be appointed by the Government of New Hampshire to adjust & fully issue the said Difference, The Agreement thereon to be laid before the respective General Assemblies for their Confirmation; And that upon such Confirmation of the said General Assemblies, His Majesty be humbly addressed by both Governments for his Royal Approbation.

In Council; Read & Concur'd; And Nathaniel Byfield Addington Davenport, Thomas Fitch, Timothy Lindall & Theophilus Burrill Esq<sup>rs</sup> (or any three of them) are joined in the Affair. [*Passed April 11.*]

## CHAPTER 282.

ORDER REFERRING JAC. WYMANS PET<sup>ITION</sup> TO THE NEXT MAY SESSION, WITH NOTICE.

A PETITION of Jacob Wyman of Woburn in the County of Middlesex Shewing that at the Trial of an Action of Review at the Superior Court held at Cambridge in July last between the Petitioner & Joseph Spaulding referring to a Parcel of Turpentine sold by said Spaulding, Judgment went against the Petitioner, by reason of the original Writs not being produced, on which the Defendants Plea was enter'd Praying an Order of this Court for an other Trial.

Read &

*Ordered* that this Petition be refer'd to the second Wednesday of the next May Session for further Consideration, & that in the mean time the Petitioner serve the adverse Party with a Copy thereof, that he may then shew cause, if any he hath, why the Prayer thereof should not be granted. [*Passed April 11.*]

Legislative  
Records of the  
Council, xiv.,  
225.

House Jour-  
nal, pp. 6, 7.

## CHAPTER 283.

VOTE ABOUT THE TRUCK HOUSE ON SACO RIVER AND SUPPLY OF GOODS FOR THE INDIAN TRADE.

*Voted* that his Excellency the Governor be desired to give Orders to an Officer in Sergeants Pay, to enlist ten good effective Men to be posted at the Truck house on Saco River, to safeguard such Trade & Merchandize as may be from time to time sent there by the Court for supplying the Indians resorting there, Which Number of Men are to be continued so long as the Trade shall be carried on with the Indians there; The Soldiers to be paid out of the publick Treasury, as those now in the Pay & Service of this Govern<sup>t</sup> at the Eastward; And that the

Legislative  
Records of the  
Council, xiv.,  
226.

Legislative  
Records of the  
Council, xiv.,  
208. House  
Journal, p. 18.

Treasury<sup>1</sup> be directed to supply to the Value of Eight hundred Pounds in such Merchandize as shall be most suitable to the afore said Trade, & dispatch them to the Truck house when in a Posture to receive them. [*Passed April 12.*]

## CHAPTER 284.

RESOLVE ABOUT THE INHAB<sup>TS</sup> OF METHUEN.

Legislative  
Records of the  
Council, xiv.,  
226.

House Jour-  
nal, pp. 16, 17.  
Province  
Laws, ii., 367,  
chap. 12.

A QUESTION arising upon the Act for dividing the Town of Haverhill, & erecting a new Town there & in parts adjacent by the Name of Methuen, and particularly upon the following Words, “And that the Inhabitants of the said Lands as before described & bounded be & hereby are vested with the Powers, Privileges & Immunities that the Inhabitants of any of the Towns in this Province by Law are or ought to be vested with,” Whether these or any other Words in the said Act are to be understood to alter or convey the Fee of the common or undivided Lands in Haverhill or in Methuen?

*Resolved* in the Negative & that the Proprietors of any common & undivided Lands in the said Townships of Haverhill & Methuen are to hold & enjoy their respective Rights & Proprieties in such Land, as if the said Township of Methuen had never been granted. [*Passed April 12.*]

## CHAPTER 285.

RESOLVE ALLOWING £10 TO M<sup>R</sup> SAM<sup>L</sup> FISK CHAPLAIN TO Y<sup>E</sup> COURT.

Legislative  
Records of the  
Council, xiv.,  
227.

House Jour-  
nal, p. 21.

*Resolved* that the sum of Ten Pounds be allowed & paid out of the publick Treasury to Benjamin Lynde Jun<sup>r</sup> Esq<sup>r</sup> to be by him paid to the Rev<sup>d</sup> M<sup>r</sup> Samuel Fisk with the Thanks of this Court for his Services in officiating as Chaplain to the Hon<sup>ble</sup> Board & this House in the last & present Session. [*Passed April 16.*]

## CHAPTER 286.

VOTE ADDING M<sup>R</sup> CUSHING TO THE COMM<sup>TEE</sup> ON BAGNALS AFFAIR.

Legislative  
Records of the  
Council, xiv.,  
227.

House Jour-  
nal, p. 18.  
Province  
Laws, x., 612,  
chap. 97.

*Voted* that M<sup>r</sup> Thomas Cushing be added to the Committee appointed the 17<sup>th</sup> of June 1725, on the Petition of Benjamin Bagnal & Elisabeth his Wife & others, Praying this Court would cut off the Tail of certain Lands in the Comty of Middlesex, descending to them from their Grand mother Elisabeth Sharp Dec<sup>d</sup> Jonas Bond Esq<sup>r</sup> one of the Committee then appointed being since deceased. [*Passed April 16.*]

<sup>1</sup> “Treasurer,” in the State Library copy, Legislative Records of the Council, xiv., 256.

## CHAPTER 287.

### RESOLVE ALLOWING £30 TO THE DOOR KEEPER.

*Resolved* that the sum of Thirty Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Richard Hubbard Door keeper to his Excellency the Governor & this Court in full for his Service half a Year, which determined the nineteenth Day of February last. [*Passed April 16.*]

Legislative  
Records of the  
Council, xiv.,  
227.  
House Jour-  
nal, p. 22.  
*Infra*, chap.  
288.

## CHAPTER 288.

### RESOLVE ALLOWING £20 TO M<sup>r</sup> RICH<sup>d</sup> HUBBARD DOORKEEPER.

*Resolved* that the sum of Twenty Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Richard Hubbard, Door keeper in full Satisfaction for his extraordinary Expences &c in Horse Hire, Calash Hire & other extraordinary Charges in transporting the Court Records &c from Boston to Salem & back & other extraordinary Expences. [*Passed April 16.*]

Legislative  
Records of the  
Council, xiv.,  
227.  
House Jour-  
nal, p. 22.  
*Supra*, chap.  
287.

## CHAPTER 289.

### RESOLVE ALLOWING £5 TO OFFIN BOARDMAN.

A CERTIFICATE sign'd Offin Boardman, & a Declaration of two Persons taken upon Oath before Habijah Savage Esq<sup>r</sup> (one of his Majestys Justices of the Peace for the County of Suffolk) that the said Boardman accidentally lost one half of a Five Pound Bill of Credit on this Province, which was burnt, the other Half being given in to the Court.

Legislative  
Records of the  
Council, xiv.,  
227.  
House Jour-  
nal, p. 22.

Read &

*Resolved* that upon the said Offin Boardmans delivering in the inclosed Half of the Five Pound Bill to M<sup>r</sup> Treasurer he be directed to deliver him a Five Pound Bill of this Province. [*Passed April 16.*]

## CHAPTER 290.

### VOTE FOR A TRUCK MASTER FOR SACO RIVER.

THE VOTES of both Houses being sorted & numbered Cpt. Thomas Smith was chosen Truck master to reside at the Trading house on Saco River by the Major Vote of the Council & House of Representatives To which Election His Excellency signed his Consent on the Certificate thereof. [*Passed April 16.*]

Legislative  
Records of the  
Council, xiv.,  
228.  
House Jour-  
nal, p. 22.  
*Ante*, p. 397,  
chap. 283.

## CHAPTER 291.

ORDER REFERRING PETITION OF THE INHAB<sup>TS</sup> OF THE EAST END OF TAUNTON TO THE NEXT MAY SESSION, WITH NOTICE.Legislative  
Records of the  
Council, xiv.,  
228.House Jour-  
nal, p. 21.

A PETITION of Abraham Jones, Samuel Hacket & other Inhabitants of the Eastern Part of the Town of Taunton, Setting forth that they live at a great Distance from the Place of publick Worship in the middle of the Town, & that they have had a Minister to preach among them in the Winter Season, which they find very much for their benefit & comfort, And therefore Praying that they may be set off a distinct Precinct, they being ready to pay their Part of the Charge of building the Meeting house in the said Town.

Read & Refer'd to the second Wednesday of the next May Session, & that the Petitioners in the mean time serve the Town of Taunton with a Copy hereof, that they then shew cause, if any they have, why the Prayer thereof should not be granted. [*Passed April 16.*]

## CHAPTER 292.

RESOLVE ALLOWING PAYMENT ON THE MUSTER ROLL OF THE GARRISON AT FORT MARY, CPT. JAMES WOODSIDE.

Legislative  
Records of the  
Council, xiv.,  
230.House Jour-  
nal, p. 23.

A MUSTER ROLL of the Garrison in his Majestys Service at Fort Mary at Winter Harbour, under the Command of Cpt. James Woodside, Containing an Accompt of Wages due to them for their service from June 23. 1728, to April 2. 1729. Amounting to the sum of £222. 12. 10.

[Read and Accepted and]

*Resolved* that the sum of Two hundred Pounds one shilling & four pence be allowed & paid out of the publick Treasury to the Officers & Soldiers born on this Roll to whom the same is respectively due in full discharge of the Wages thereof, Agreeable to the Report of the Committee of the House. [*Passed April 17.*]

## CHAPTER 293.

ORDER ON PETITION OF THE INHAB<sup>TS</sup> OF NORTHFIELD IN REGARD TO UNLAWFUL TRADE WITH THE INDIANS.Legislative  
Records of the  
Council, xiv.,  
230.House Jour-  
nal, p. 17.

A PETITION of Cpt. Benjamin Wright & others Inhabitants of the Town of Northfield, Complaining that there are divers evil minded Persons among them, who endeavour to prejudice the Indians against the publick Trade in order to carry on a private Trade of their own, that they sell strong Drink to the Indians, & when they are drunk cheat them of their Goods, for which said Indians have threatened Revenge; Which puts the Petitioners upon Apprehensions of Mischiefs to ensue upon the said Practice, Praying for Relief from this Court.

Read &

*Ordered* that John Stoddard Esq<sup>r</sup> be fully impowered to inquire into the Matters of Complaint herein suggested & that he do what may be proper for the Indians Redress in the Affair. [*Passed April 17.*]

## CHAPTER 294.

## RESOLVE CONFIRMING £250 ACRES OF LAND GRANTED TO JOS. DIMMOCK.

A PLAN of Two hundred & fifty Acres of Land lying East of Brimfield on both sides of Quineboag River; adjoining to the late Governor Saltonstals Farm surveyed by Major John Chandler & two Chain men, all under Oath to fulfill a Grant made by the General Court to Lieut. Joseph Dimmock in the Year 1728,<sup>1</sup> in Answer to his Petition.

Legislative  
Records of the  
Council, xiv.,  
231.

House Jour-  
nal, p. 15.  
*Ante*, p. 223,  
chap. 9.

Read & Accepted, &

*Resolved* that the Lands delineated & described in the within Plan be & hereby are confirmed to the said Joseph Dimmock, his Heirs & Assigns for ever, Provided it exceeds not the Quantity of Land within mentioned, nor interferes with any other or former Grant. [*Passed April 17.*]

## CHAPTER 295.

## ORDER ANNULLING THE PROCEEDINGS AT A TOWN MEETING IN MEDFORD AND CALLING A NEW MEETING.

A PETITION of Stephen Hall & divers others Inhabitants of the Town of Medford, Complaining of divers disorderly & illegal Proceedings of a Party in the said Town at a pretended Meeting held there on the 15<sup>th</sup> Day of April 1728, respecting their Seats in the new Meetinghouse, contrary to the fair & regular Proceedings of the Inhabitants at a Meeting held the 23<sup>d</sup> of October 1727, & divers Meetings subsequent thereto; Setting forth likewise the unhappy State of the said Town by reason of the Meetings of the two Parties in March last, & their Choice of two Sets of Town Officers, Praying Relief from this Court, & particularly that the Court would declare the Proceedings of the Meeting in October 1727, & the Acts subsequent thereto good & valid, & the Proceedings of the Meeting in April following null & void.

Legislative  
Records of the  
Council, xlv.,  
229, 232.

House Jour-  
nal, pp. 3, 24.

A Petition of John Willis & others of the Town of Medford, Praying to the same effect with the Petition of Stephen Hall<sup>2</sup> & John Willis, & others of the said Town,

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the Whole of the Proceedings of each Party at the Town Meeting held at Medford the third of March last be & hereby is superseded & declared null & void & of no Force & that Richard Wayt late Constable of Medford be & hereby is ordered & directed to notify & warn the Freeholders & other Inhabitants of said Town that they assemble & convene at the Meetinghouse in Medford aforesaid on Monday the twenty eighth day of April Currant at ten a Clock in the Fore Noon, then & there to elect & chuse Town Officers for the Year ensuing, And no Person but what has been rated One shilling at least to the last Province Tax (more than the Poll Tax) laid in said Town shall be admitted to vote in said Meeting; And that the Assessors that laid the said Tax be directed to lay the said Town Rate Bill or List of the last Year before them for the regulating the said Meeting; And that the said Richard Wayt be further directed to return this Order with the Doings thereon two days at least

<sup>1</sup> Granted in 1727. See *ante*, p. 223, chap. 9.

<sup>2</sup> This name "Hall," omitted in the Secretary's record, is inserted from the State Library copy, Legislative Records of the Council, xiv., 263.

before the said twenty eighth day of April to the last Years Selectmen of the said Town; who are hereby impowered & directed to regulate the Vote for the Choice of the Moderator of said Meeting according to the afore said Tax Book or Rate List; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed April 18.*]

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## CHAPTER 296.

RESOLVE ALLOWING £3. 18. 3 TO CPT. JA. WOODSIDE.

\* Legislative  
Records of the  
Council, xiv.,  
233

House Jour-  
nal, p. 23.

AN Accompt of Disbursements at his Majestys Fort Mary presented by Cpt. James Woodside, Amounting to the sum of £3. 18. 3.

[Read and Accepted and]

*Resolved* that the sum of Three Pounds eighteen shillings & three pence be allowed & paid out of the publick Treasury to Cpt. James Woodside in full discharge thereof. [*Passed April 18.*]

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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1729-30.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1729-30.

HIS EXCELLENCY WILLIAM BURNET,

CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC., [*until September 7, 1729*].

THE HONORABLE WILLIAM DUMMER, ESQ., LIEUT. GOVERNOR,

CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC., [*from September 10, 1729*].

JOSIAH WILLARD, ESQ.,

SECRETARY OF THE PROVINCE.

## COUNCILLORS OR ASSISTANTS.<sup>2</sup>

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

WILLIAM TAILER  
BENJAMIN LYNDE  
ADDINGTON DAVENPORT  
THOMAS HUTCHINSON  
SAMUEL BROWN  
THOMAS FITCH  
EDMUND QUINCY  
ADAM WINTHROP  
PAUL DUDLEY

} ESQRS.

SAMUEL THAXTER  
JOHN TURNER  
SYMONDS EFES  
DANIEL OLIVER  
JOHN CHANDLER  
TIMOTHY LINDALL  
CHARLES CHAMBERS  
THEOPHILUS BURRILL  
WILLIAM DUDLEY

} ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;*

ISAAC WINSLOW, MELETIAH BOURNE & PETER THATCHER, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Mayne;*

JOHN WHEELWRIGHT, JOSEPH HAMMOND & WILLIAM PEPPERIL, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

SPENCER PHIPS, ESQ.

<sup>1</sup> See Legislative Records of the Council, xiv., 240-242.

<sup>2</sup> Isaac Little of New Plymouth, and Jonathan Beleher for the Province, at large, elected by the House of Representatives, were rejected by the Governor.

*For the Province, at large: —*

JONATHAN DOWSE, Esq.

REPRESENTATIVES OR DEPUTIES.

*May 28, 1729 to April 15, 1730.*

MR. JOHN QUINCY, SPEAKER.

COUNTY OF SUFFOLK.

*Boston*, . . . Elisha Cook, Esq.,  
                   Mr. Ezekiel Lewis,  
                   Mr. Thomas Cushing,  
                   Mr. Samuel Welles.  
*Roxbury*, . . . John Bowles, Esq.  
*Dorchester*, . . Mr. Benjamin Bird.  
*Braintree*, . . . John Quincy, Esq.  
*Hingham*, . . . Mr. John Jacob.  
*Dedham*, . . . Mr. Eleazar Ellis.  
*Weymouth*, . . Mr. Gideon Tyrrel.  
*Medfield*, . . . Mr. John Morse.  
*Wrentham*, . . . Capt. Robert Blake.  
*Brooklyn*, . . . Mr. Samuel White.  
*Woodstock*, . . Mr. John Chandler.  
*Needham*, . . . Mr. Josiah Kingsberry

COUNTY OF ESSEX.

*Salem*, . . . Daniel Epes, Esq.,  
                   Benjamin Lynde, Jr., Esq.  
*Ipswich*, . . . John Wainwright, Esq.,  
                   Capt. Matthew Whipple.  
*Newbury*, . . . Joseph Gerrish, Esq.  
*Lynn*, . . . Mr. Ebenezer Burrill.  
*Marblehead*, . . James Cawley, Esq.,  
                   Stephen Minot, Jr., Esq.  
*Haverhill*, . . Richard Saltonstall, Esq.  
*Rouley*, . . . Mr. John Hobson.  
*Salisbury*, . . Mr. William True.  
*Gloucester*, . . Mr. Samuel Sergeant.  
*Andover*, . . . Benjamin Stevens, Esq.  
*Topsfield*, . . Capt. Joseph Gould.  
*Beverly*, . . . Mr. Andrew Dodge.  
*Wenham*, . . . Mr. William Fairfield.  
*Boxford*, . . . Capt. Joseph Hale.  
*Bradford*, . . Mr. Jonathan Woodman.  
*Amesbury*, . . Capt. John Foot.

COUNTY OF MIDDLESEX.

*Cambridge*, . . Mr. William Brattle.  
*Charlestown*, . Capt. Stephen Hall,  
                   Mr. Joseph Lemon.

COUNTY OF MIDDLESEX — *Concluded.*

*Watertown*, . . Mr. Nathan Fisk.  
*Concord*, . . . Mr. Samuel Chandler.  
*Newtown*, . . . Ebenezer Stone, Esq.  
*Sudbury*, . . . Mr. Samuel Stone.  
*Marlborough*, . Capt. Peter Rice.  
*Lancaster*, . . . Mr. Josiah White.  
*Sherburn*, . . . Mr. Isaac Coolidge.  
*Groton*, . . . Mr. John Longley.  
*Framingham*, . Mr. Edward Goddard.  
*Chelmsford*, . . Major Jonas Clark.  
*Billerica*, . . . Mr. William Pattin.  
*Woburn*, . . . Mr. Samuel Blodget.  
*Roxbury*, . . . Capt. Kenehn Parker.  
*Malden*, . . . Mr. Benjamin Bucknam.  
*Lexington*, . . Mr. Benjamin Willington.  
*Weston*, . . . Francis Fulham, Esq.  
*Worcester*, . . Mr. William Jennison.

COUNTY OF HAMPSHIRE.

*Springfield*, . Mr. Samuel Day.  
*Northampton*, Mr. Ebenezer Wright.  
*Hadley*, . . . Mr. Westwood Cook.  
*Westfield*, . . Mr. John Gun.  
*Suffield*, . . . Mr. John Kent.  
*Enfield*, . . . Mr. Thomas Jones.

COUNTY OF PLYMOUTH.

*Plymouth*, . . Mr. John Foster.  
*Scituate*, . . . Mr. James Cushing.  
*Marshfield*, . . Mr. William Carver.  
*Bridgewater*, . Mr. Isaac Johnson.  
*Duxbury*,<sup>1</sup> . . Capt. John Alden.  
*Middleborough*, Mr. Samuel Wood.  
*Rochester*, . . Mr. Thomas Turner.  
*Plympton*, . . Mr. Samuel Bradford.  
*Pembroke*, . . Mr. Elisha Bysby.

COUNTY OF BARNSTABLE.

*Barnstable*, . . Col. Shubal Gorham.  
*Sandwich*, . . Ezra Bourne, Esq.  
*Yarmouth*, . . Mr. Shubal Baxter.

<sup>1</sup> The town "Duxbury" is omitted in the Secretary's copy, but appears in the State Library copy, Legislative Records of the Council, xiv., 273.

COUNTY OF BARNSTABLE — *Concluded.*

*Eastham*, . . . Mr. Israel Cole  
*Harwich*, . . . Edmund Freeman, Esq.

COUNTY OF BRISTOL.

*Bristol*, . . . Nathaniel Payne, Esq.  
*Taunton*, . . . Seth Williams, Esq.  
*Swanzev*, . . . Mr. Joseph Mason.  
*Rehoboth*, . . . Mr. Jathniel Peck.  
*Little Compton*, Thomas Church, Esq.  
*Dighton*, . . . Mr. Edward Shove.  
*Tiverton*, . . . Job Almy, Esq.  
*Dartmouth*, . . . Capt. John Akin.

COUNTY OF BRISTOL — *Concluded.*

*Attleborough*, . . Mr. Nathaniel Carpenter.  
*Norton*, . . . Mr. Samuel Brentnall.  
*Freetown*, . . . Mr. Joseph Read.

COUNTY OF YORK.

*York*, . . . . Mr. Richard Milberry.  
*Kittery*, . . . . Capt. Stephen Eastwick.  
*Wells*, . . . . Mr. Francis Littlefield.  
*Berwick*, . . . Mr. Roger Plaisted.

IN THE COUNTY OF NANTUCKET.

*Sherburn*, . . . George Bunker, Esq.



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT SALEM,  
ON THE TWENTY-EIGHTH DAY OF MAY, A.D. 1729,  
AND CONTINUED BY PROROGATION TO THE TWENTY-  
FIFTH DAY OF JUNE FOLLOWING.

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## CHAPTER 1.

RESOLVE ALLOWING £38. 2. 9 TO DAN<sup>L</sup> POWNING.

AN ACCOMPT presented by M<sup>r</sup> Daniel Powning Keeper of the Powder house in Boston of Expences for Coal, Candles, Watch mens Wages, Repairs &c and of his own Salary, together with an Accompt of Money received of the Treasurer, & also of Storage for the Merchants Powder, Ballance due to the said Daniel Powning Being the sum of £38. 2. 9.

Legislative  
Records of the  
Council, xiv.,  
245.

House Jour-  
nal, p. 11.

Read & Accepted, &

*Resolved* that the sum of Thirty eight Pounds two shillings & nine pence be allowed & paid out of the publick Treasury to the Accomptant Daniel Powning in full discharge thereof. [*Passed June 26.*]

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## CHAPTER 2.

RESOLVE ALLOWING PAYMENT ON CASTLE W<sup>M</sup> MUSTER ROLL.

A MUSTER ROLL of the Garrison at his Majestys Castle William under the Command of the Hon<sup>ble</sup> William Dummer Esq<sup>r</sup> Containg an Accompt of Wages due to them for their Service from the 18<sup>th</sup> of Novem<sup>r</sup> 1728, to the 18<sup>th</sup> of May 1729, Amounting to the sum of £502. 5. 3.

Legislative  
Records of the  
Council, xiv.,  
245.

House Jour-  
nal, p. 12.

[Read and Accepted, and]

*Resolved* that the sum of Four hundred & ninety two Pounds six shillings & three pence be allowed & paid out of the publick Treasury to the Officers & Soldiers born on this Roll in full discharge thereof, Agreeable to the Committees Report. [*Passed June 26.*]

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## CHAPTER 3.

RESOLVE ALLOWING PAYMENT OF £166. 16 ON L<sup>r</sup> JN<sup>o</sup> LARRABEES VICTUALLING ACCT<sup>t</sup> AND FURTHER ADVANCING TO HIM £200.

AN ACCOMPT presented by Cpt.<sup>1</sup> John Larrabee of the Charge of victualling the Garrison at his Majestys Castle William from the 18<sup>th</sup>

Legislative  
Records of the  
Council, xiv.,  
245.

<sup>1</sup> The House Journal reads, "Lieut."

House Journal, p. 12.  
*Ante*, p. 380,  
 chap. 235.

of Novem<sup>r</sup> 1728, to the 18<sup>th</sup> of May 1729, Amounting to the sum of £377. 4 Whereof £200 being advanced to the said Larrabee, Balance remaining due is £177. 4.

[Read and Accepted, and]

*Resolved* that the sum of One hundred & sixty six Pounds sixteen shillings be allowed & paid out of the publick Treasury (the Balance of this Account) to Lieut. John Larrabee, to discharge the Victualling to the time therein mentioned; And to enable the said John Larrabee to victual the said Garrison according to the last Establishment That the Treasurer be impowered & directed to advance to the said Larrabee the sum of Two hundred Pounds, Taking his Bond for the Repayment thereof; And that the further sum of Ten Pounds be allowed & paid out of the publick Treasury for his extraordinary Table Expenses. [*Passed June 26.*]

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## CHAPTER 4.

### RESOLVE ALLOWING PAYMENT OF CPT. BENJ<sup>A</sup> LARRABEES MUSTER ROLL.

Legislative  
 Records of the  
 Council, xiv.,  
 245.

House Journal, p. 12.

A MUSTER ROLL of the Garrison at his Majestys Fort George at Brunswick under the Command of Cpt. Benjamin Larrabee, Containing an Account of Wages due to them for their Service from the 11<sup>th</sup> of June 1728, to the 9<sup>th</sup> of June 1729, Amounting to the sum of £358. 16.

[Read and Accepted, and]

*Resolved* that the sum of Three hundred & fifty eight Pounds sixteen shillings be allowed & paid out of the publick Treasury to the Officers & Soldiers born on the within Roll to whom the same is due in full discharge thereof. [*Passed June 26.*]

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## CHAPTER 5.

### RESOLVE ALLOWING PAYMENT OF £23. 9. 9 TO CPT. BENJ<sup>A</sup> LARRABEE.

Legislative  
 Records of the  
 Council, xiv.,  
 245.

House Journal, p. 12.  
*Infra*, chap. 6.

AN ACCOUNT presented by Cpt. Benjamin Larrabee of Disbursements for Repairs at Fort George, Haling of Stores, Mending the Whale boat &c Amounting to the sum of £27. 9. 9.

[Read and Accepted, and]

*Resolved* that the sum of Twenty three Pounds nine shillings & nine pence be allowed & paid out of the publick Treasury to the said Benjamin Larrabee in full discharge thereof, Agreeable to the Committees Report. [*Passed June 26.*]

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## CHAPTER 6.

### RESOLVE ALLOWING £31. 0. 3 TO CPT. BENJ<sup>A</sup> LARRABEES 2<sup>D</sup> ACC<sup>T</sup>.

Legislative  
 Records of the  
 Council, xiv.,  
 246.

House Journal, p. 12.  
*Supra*, chap. 5.

AN ACCOUNT presented by Cpt. Benjamin Larrabee for Work done at Fort George at Brunswick, Materials &c for building there. Amounting to the sum of £35. 2. 9.

[Read and Accepted, and]

*Resolved* that the sum of Thirty one Pounds & three pence be allowed

& paid out of the publick Treasury [to Cpt. Benjamin Larrabee,]<sup>1</sup> to be by him paid to whom it is due in full discharge thereof, Agreeable to the Comm<sup>tees</sup> Report. [*Passed June 26.*]

## CHAPTER 7.

RESOLVE ALLOWING £52. 4. 1 TO CPT. JN<sup>o</sup> LARRABEE.

AN ACCOMPT presented by Cpt. John Larrabee of Work done at His Majestys Castle William, together with Timber, Boards & other Materials furnished for the same, Amounting to the sum of £52. 4. 1.

[Read and Accepted and]

*Resolved* that the sum of Fifty two Pounds four shillings & one penny be allowed & paid out of the publick Treasury to Lieut. John Larrabee to be by him paid to whom it is due in full discharge thereof. [*Passed June 26.*]

Legislative  
Records of the  
Council, xiv.,  
246.

House Jour-  
nal, p. 12.

## CHAPTER 8.

RESOLVE ALLOWING £26 TO BART. GREEN.

AN ACCOMPT presented by Bartholemew Green of Paper & Printing for the Governm<sup>t</sup> from the 28<sup>th</sup> of June 1728, to the third of May 1729, Amounting to the sum of £34. 9.

[Read and]

*Resolved* that the sum of Twenty six Pounds<sup>2</sup> be allowed & paid out of the publick Treasury to the Accomptant Bartholemew Green in full discharge thereof; The Articles of £5 & £3 being not allowed. [*Passed June 26.*]

Legislative  
Records of the  
Council, xiv.,  
246.

House Jour-  
nal, p. 13.

## CHAPTER 9.

RESOLVE ALLOWING £65. 3 TO GREEN & KNEELAND.

AN ACCOMPT presented by Bartholemew Green & Samuel Kneeland of Paper & Printing the Votes of the House of Represent<sup>ves</sup> from the 24<sup>th</sup> of July 1728, to April 1729, Amounting to the sum of £65. 3.

[Read and]

*Resolved* that the sum of Sixty five Pounds three shillings be allowed & paid out of the publick Treasury to the Accomptants, Bartholemew Green & Samuel Kneeland in full discharge thereof. [*Passed June 26.*]

Legislative  
Records of the  
Council, xiv.,  
246.

House Jour-  
nal, p. 12.

## CHAPTER 10.

RESOLVE IMPOWERING THE ASSESSORS OF BIDDEFORD TO LEVY A TAX OF ONE PENNY PER ACRE ON NON RESIDENT PROPRIETORS FOR THE SUPPORT OF THE MINISTRY.

A PETITION of the Inhabitants of the Town of Biddeford Setting forth their Difficulties for maintaining a Minister by reason of their Poverty and small Number of the Inhabitants, And in consideration of the Ad-

Legislative  
Records of the  
Council, xiv.,  
247.

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 279.

<sup>2</sup> The House Journal reads, £26. 9.

House Journal, p. 14.

vantage accruing to the Garrison at Winter Harbour by their supporting a Minister among them Praying that they may receive some Assistance from this Court for that Service.

Read & In answer to this Petition,

*Resolved* that the Assessors of the Town of Biddeford be & hereby are empowered & directed to assess & levy a Tax of one Penny per Acre on all the Lands lying & being in said Town belonging to the Non resident Proprietors; who are hereby also subjected to the Payment thereof for the Use & Support of the Ministry of the said Town for one Year, Any Law, Usage or Custom to the contrary notwithstanding. [*Passed July 2.*]

## CHAPTER 11.

ORDER RELATING TO CPT. SMITHS COMPLAINT AG<sup>ST</sup> JN<sup>O</sup> STAGPOLE.

Legislative Records of the Council, xiv., 248.

A COMPLAINT of Cpt. Thomas Smith to his Excellency the Governor against John Stagpole of Biddeford of Abuses offered to him in the Management of the Indian Trade;

Read &

Legislative Records of the Council, xiv., 244. House Journal, pp. 14, 17, 35.

*Ordered* that John Stagpole forthwith attend this Court to answer to the several Articles of Complaint exhibited against him by Cpt. Thomas Smith, & that his Excellency the Governor be desired to give his Orders that the said Smith be present; Who is hereby directed to bring with him such Evidences as can be procured to prove the thing suggested in the Complaint.<sup>1</sup> [*Passed \* July 2.*]

## CHAPTER 12.

ORDER CONFIRMING LANDS TO JOSIAH KINGSBURY.

Legislative Records of the Council, xiv., 248.

House Journal, p. 31 (August, 1728); pp. 13, 14.

A PETITION of Josiah Kingsberry of Needham, Shewing that in running the Western Boundary of his Farm (being a Grant from this Governm<sup>t</sup>) he fell short of the Quantity of Land originally granted by the Mistake of the Surveyour, three or four Acres; And foras much as there is a Piece of rough Land belonging to the Province lying on each side of Succour Brook as it runs into Chaubannagungamug Pond, which is situated very commodiously for the Petition<sup>r</sup> & if added to his Farm would make it of a regular Figure, Praying that the same may be granted to him for a valuable Consideration subducing an Equivalent for the Loss of Measure as above expressed.

In the House of Represent<sup>ves</sup> Aug. 15. 1728; Read &

*Ordered* that this Petition be refer'd to the next Session; [of this Court]<sup>2</sup> And that in the mean time Major Chandler be desired & empowered at the Charge of the Petitioner, to repair to the Lands he petitions to purchase, that he carefully view & survey the same & that he report his Opinion what may be the Value thereof as well as what Allowance may be proper for the Court to make as an Equiva-

<sup>1</sup> The Governor appears to have given "his orders" as desired; that is, he consented. The House Journal, p. 35, July 10, 1729, reads, "Capt. Thomas Smith and Mr. John Stackpole were admitted into the House, and were heard on the Matters and Things complained of by said Smith against the said Stackpole, they being Summon'd to attend the Court, by an Order of the 2<sup>d</sup>. Currant," &c.

<sup>2</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 282.



lent for the Petitioners short Measure of the original Grant of his Farm on the Westerly Bounds thereof.

Pursuant to an Order of the Hon<sup>ble</sup> House of Represent<sup>ves</sup> of the 15<sup>th</sup> of August 1728, I have viewed the Land petitioned for by M<sup>r</sup> Josiah Kingsberry of Needham (as will fully appear by his Petition read on said Day, Reference thereunto being had) & find that there is cut off from the original Survey of his Land as set forth in his Petition, about three Acres, On the same stands a Saw Mill; the Conveniency of which was a great Inducement to carry the Bounds of the Farm so far Westward; The Fall where the Mill stands is noted with the Figure ¶, The Land taken off is described by the Line a, b, c, d; & the dark Line a, d, The Land petitioned for is figured by the prick'd Line e, f, The Pond f, g, & the dark Line g, e. The whole included in said Lines contains 23 A 2 R 22 P; Near one half of which is an unpassable Bog lying on a dead Brook running into said Pond; so that I account there may be twelve Acres of Land & not worth more than Six Pounds; the Lands taken off on the Westerly Side or Bounds is by far the best qualified<sup>1</sup> Land, & worth at least Three Pounds, having no regard to the Mill Place; And if from those Words in the Order, viz, (as well as what may be proper for the Court to make as an Equivalent for the Petitioners short Measure in his original Grant of his Farm on the Westerly Bounds thereof) any regard shall be had to the Fall or Mill Place, my Opinion is The whole of the twelve Acres is not a sufficient Equivalent, Altho the Province should pay for the viewing & surveying thereof. At the desire of the said Kingsberry I have drawn the prick'd Line h, i, from one of the old Bounds of his Farm to the Pond, which takes in five Acres of the Province Land, & would be of service to the Petition<sup>r</sup> when ever he should fence on that Part of his Farm. The Land is mean & may be worth Thirty shillings; All which is submitted, By your Honours obedient Servant  
JOHN CHANDLER.

Read & Accepted, &

*Voted* that the Lands contained within the strait Line by continuing the Petitioners East Bounds to the Pond & also the Land contained within the pricked Line on the the<sup>1</sup> South side of the Petitioners Farm, & extending to the Pond as the same is delineated & described in the within Plan be & hereby is confirmed to the said Josiah Kingsberry his Heirs & Assigns as an Equivalent for the Lands taken off from the Westerly Bounds of his Farm, He paying the sum of Four Pounds ten shillings into the publick Treasury, & satisfying the Charge of taking the Survey. [*Passed July 2.*]

## CHAPTER 13.

RESOLVE ALLOWING 25/ TO BENJ<sup>A</sup> GLOVER.

AN ACCOMPT presented by Benjamin Glover of Time & Expence in a Journey w<sup>ch</sup> he made to Roxbury by Order of the House of Represent<sup>ves</sup> Amounting to Twenty five shillings.

[Read and]

*Resolved* that the sum of Twenty five shillings be allowed & paid out of the publick Treasury to the Accomptant Benjamin Glover in full discharge thereof. [*Passed July 3.*]

Legislative  
Records of the  
Council, xiv.,  
252.

House Jour-  
nal, p. 19.

<sup>1</sup> *Sic.*

## CHAPTER 14.

RESOLVE ALLOWING PAYMENT OF CAPT. HEATHS MUSTER ROLL OF THE GARRISON AT RICHM<sup>d</sup> FORT.

Legislative  
Records of the  
Council, xiv.,  
255.

House Jour-  
nal, p. 26.

A MUSTER ROLL of the Garrison in his Majestys Service at Richmond Fort under the Command of Cpt. Joseph Heath, Containing an Accompt of Wages due to them for their Service from the 19<sup>th</sup> of December 1728, to the second of July 1729, Amounting to the sum of £102. 5. 3.

[Read and Accepted, and]

*Resolved* that the sum of Four hundred & two Pounds five shillings & three pence be allowed & paid out of the publick Treasury to Cpt. Joseph Heath, to be by him paid to the Officers & Soldiers born on this Roll to whom the same is due in full discharge thereof. [*Passed July 5.*]

## CHAPTER 15.

RESOLVE ALLOWING PAYMENT ON THE MUSTER ROLL OF THE GARRISON AT S<sup>t</sup> GEORGES RIVER.

Legislative  
Records of the  
Council, xiv.,  
255.

House Jour-  
nal, p. 25.  
*Ante*, p. 246,  
chap. 64.

A MUSTER ROLL of the Garrison in his Majestys Service at S<sup>t</sup> Georges River, under the Command of Cpt. John Gyles, Containing an Accompt of Wages due to them for their Service from the 27<sup>th</sup> of December 1728, to the 26<sup>th</sup> of June 1729, Amounting to the sum of £332. 10.

[Read and Accepted, and]

*Resolved* that the sum of Three hundred & four Pounds ten shillings & one peny be allowed & paid to Cpt. John Gyles, to be by him repaid to the Officers & Soldiers born on this Roll, to whom the same is due; And that the further sum of Twenty six Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Ezekiel Lewis for the Use & Account of Abraham Johnson; & is in full discharge of the Wages due on this Roll, Agreeable to the Committees Report. [*Passed July 5.*]

## CHAPTER 16.

RESOLVE ALLOWING £156. 15. 3 TO CPT. JN<sup>o</sup> GYLES AND AUTHORIZING HIM TO FURNISH SUPPLIES TO THE INDIANS.

Legislative  
Records of the  
Council, xiv.,  
256.

House Jour-  
nal, pp. 25, 26.  
*Ante*, p. 261,  
chap. 102.

AN Accompt presented by Cpt. John Gyles of the Charge of building a Store house at S<sup>t</sup> Georges River a House for the Chaplain a Gundaloe &c together with the Charge of entertaining the Indian Chiefs at the Garrison; Amounting to the sum of £156. 15. 3.

[Read and Accepted, and]

*Resolved* that the sum of One hundred & sixty Pounds fifteen shillings & three pence be allowed & paid out of the publick Treasury to Cpt. John Gyles in full discharge thereof; And further that the said Cpt. John Gyles be allowed to afford such necessary Supplies & Refreshm<sup>t</sup> to the Indians as they may stand in need of, when they may be occasionally called to the Truck house by Order of the Governm<sup>t</sup> in a sum not exceeding Six Pounds per Annum; The Expence of which he is [to]<sup>1</sup> render an Accompt to the Court. [*Passed July 5.*]

<sup>1</sup> Inserted from the State Library copy. Legislative Records of the Council, xiv., 292.

## CHAPTER 17.

## ORDER IMPOWERING SARAH PINCEN TO SELL LAND.

A PETITION of Sarah Pincen Wife of Thomas Pincen of Scituate Shewing that her said Husband is fallen into Distraction, that while in his right Mind he contracted a Debt of about Two hundred & fifty Pounds, & he has not personal Estate to pay the same, Therefore Praying that she may be impowered to make Sale of some of his Out Lands in order to pay off the s<sup>d</sup> Debts.

Read &

*Ordered* that the Prayer of the Petition be granted; & that John Cushing Esq<sup>r</sup> & M<sup>r</sup> David Jacob be fully authorized & impowered to make Sale of so much of the Out Lands of the said Thomas Pincen as may pay his just Debts; & that they be desired to take effectual Care to see the same discharged accordingly. [*Passed July 5.*]

Legislative  
Records of the  
Council, xiv.,  
257.

House Jour-  
nal, p. 26.

## CHAPTER 18.

## RESOLVE ALLOWING £50 TO FRAN. GATHMAN.

A PETITION of Francis Gathman of Salem Surgeon, Shewing that in the year 1704, he was sent a Witness to England against Cpt. Larramore & Lieut. Wells, who were to have their Trial as Accessories to Cpt. Quelch & others who were condemned for Piracy; that the Petitioner was absent fifteen months upon this Service being taken Prisoner by the French, that his Loss & Expence amounted to Eighty Pounds Sterling, besides his Loss of Time; For all which he has as yet had no Consideration from the Govern<sup>t</sup> And therefore Praying that this Court would please to grant him such Allowance as in their great Justice & Goodness they shall think fit.

Read &

*Resolved* that the sum of Fifty Pounds be allowed & paid out of the publick Treasury to the said Francis Gathman in full of his Demands relating to all Matters contained herein. [*Passed July 5.*]

Legislative  
Records of the  
Council, xiv.,  
257.

House Jour-  
nal, p. 28.

## CHAPTER 19.

## VOTE FOR A PRESENT TO THE INDIAN SACHEMS.

In the House of Represent<sup>ves</sup>

*Voted* that his Excellency the Governor be desired to make a Present in the Name of this Govern<sup>t</sup> to the Indian Sachems now in Boston in a sum not exceeding One hundred & forty five Pounds, And that Elisha Cook Esq<sup>r</sup> & M<sup>r</sup> Stephen Hall with such as the Hon<sup>ble</sup> Board shall appoint be a Committee to prepare such things as shall be thought most advisable the Present shall consist of; And that M<sup>r</sup> Treasurer be directed to furnish the said Committee with the said sum accordingly.

In Council; Read & Concur'd, And Cpt. Hutchinson & Coll. Fitch are joined in the Affair. [*Passed July 9.*]

Legislative  
Records of the  
Council, xiv.,  
257.

Legislative  
Records of the  
Council, xiv.,  
252, 253, 254.  
House Jour-  
nal, pp. 29, 31.

## CHAPTER 20.

ORDER GRANTING A PLAT OF 200 ACRES OF LAND TO CPT. JOS. KELLOG.

Legislative  
Records of the  
Council, xiv.,  
259. Maps and  
Plans, Misc.,  
vii., 1.

Maps and  
Plans, Misc.,  
vii., 1 *bis*.  
House Jour-  
nal, p. 29.  
*Ante*, p. 262,  
chap. 105.

A PLAT of Two hundred Acres of Land laid out to Cpt. Joseph Kellog by Vertue of a Grant of the General Assembly at their Session in Novem<sup>r</sup> 1727, Beginning at a small Oak Tree mark'd K. with a Heap of stones about it where the Line on the West side of Brookfield Township crosses the Road from Hadley to Boston.

Read & Accepted and

*Ordered* That the Lands particularly Set forth & described in the within plann be & hereby are confirmed to the said Joseph Kellogg his heirs & Assigns provided the same exceeds not the Quantity of Acres granted nor interferes with any former Grant. [*Passed July 9.*]

## CHAPTER 21.

RESOLVE GRANTING A TRACT OF LAND TO JOSEPH BLANCHARD AND OTHERS OF DUNSTABLE OR NATICOOK.

Legislative  
Records of the  
Council, xiv.,  
259.

House Jour-  
nal, p. 26.  
Fox's History  
of Dunstable,  
p. 145.

A PETITION of John Richardson, Joseph Blanchard & divers others, being some of the Proprietors of a Tract of Land in the Town of Dunstable called Naticook or Brentons Farm, Praying for a Grant of Province Lands adjacent to the said Farm, of the Contents of about twenty one square miles lying on both sides of Merrimack River, Beginning on the East Bank of said River, Northward of said Farm, & to extend as the Line of said Farm runs, three miles; thence Northerly according to the general Course of the River, three miles; thence Westerly to said River, & to continue on the same Point four miles Westerly of said River; thence Southerly on a Line parallel to the general Course of the said River till it meets with Merrimack River; Which Tract of Land they will settle with Families as soon as they can have Encouragement for the same.

Read &

*Voted* that the Prayer of the Petition be granted, & the Lands are hereby granted to the Petitioners & their Associates accordingly; Provided they shall within three years lay out Sixty House Lots compacted & in a defensible manner, & set a part one Lot for the first settled Minister, one for the Ministry & one for the School, & settle fifty Families on the Place, each to build a House on his Lot, & fence & break up three Acres of Land, & the Society settle a learned orthodox Minister, & build a Meeting house for the Worship of God within the Term; And that Major John Chandler, & M<sup>r</sup> John Hobson be a Committee fully im- powered to set off to the Grantees the Contents of Twenty one square miles; & that then the Grantees have Power to chuse a Committee among them selves to manage the Affairs of the Plantation until they shall be erected into a Township by this Court; The Charge of laying out the Land to be defrayed by the Grantees; who are not allowed to make Sale of the Land within the said Term, & unless the Conditions be complied with within the Term, the Lands shall be forfeited to the Province.<sup>1</sup> [*Passed \* July 9.*]

<sup>1</sup> The records do not disclose the signature of the above-named resolve by the Governor, but in Charles J. Fox's History of the Old Township of Dunstable, p. 145, we find the following language, viz:—

“In July, 1729, the lands lying three miles north and south on Merrimac River, extending three miles east and four miles west of it, and bounded southerly by the Souhegan, (now the northerly part of Merrimac) were granted to Joseph Blanchard and others.”

## CHAPTER 22.

ORDER REFERRING PETITION OF DIVERS INHABITANTS OF BRIMFIELD  
TO THE NEXT SESSION, WITH NOTICE.

A PETITION of Deliverance Brooks, Robert Moulton & others Praying for Relief from divers Difficulties which they under went in the Town of Brimfield by the Conduct of the late & present Committee for managing the Affairs of the said Town; & that the Committee may be dismiss'd from their Trust & the Inhabitants impowred to order their own Affairs as other Towns in this Province.

Legislative  
Records of the  
Council, xiv.,  
259.

House Jour-  
nal, p. 30.  
Province  
Laws, x., 293,  
chap. 17.

Read &

*Ordered* that this Petition be refer'd to the next Session of the Court, & that in the mean time the Petition<sup>rs</sup> serve the Inhabitants of Brimfield as also the said Committee with a Copy hereof, That they may then shew Cause why the Prayer of the Petition sh<sup>d</sup> not be granted. [*Passed July 9.*]

## CHAPTER 23.

## RESOLVE ALLOWING £8. 14 TO CPT. JOSIAH WILLARD.

AN ACCOMPT presented by Cpt. Josiah Willard of entertaining the Indian Sachems & two of the Interpreters three days, & extraordinary Expences for the Indians, Amounting to the sum of £8. 14.

Legislative  
Records of the  
Council, xiv.,  
260.

[Read and]

*Resolved* that the sum of Eight Pounds fourteen shillings be allowed & paid out of the publick Treasury to the Accomptant Cpt. Josiah Willard in full discharge thereof. [*Passed July 9.*]

House Jour-  
nal, p. 33.  
*Ante*, p. 415,  
chap. 19.

## CHAPTER 24.

RESOLVE ALLOWING £5 TO M<sup>r</sup> JOS. HILLER.

A PETITION of M<sup>r</sup> Joseph Hiller Praying for an Allowance from this Court for his Service as Attorney General for the last year.

Legislative  
Records of the  
Council, xiv.,  
260.

Read &

*Resolved* that the sum of Five Pounds be allowed & paid out of the publick Treasurer<sup>1</sup> to M<sup>r</sup> Joseph Hiller the Petitioner in full Consideration of the Service therein mentioned. [*Passed July 10.*]

House Jour-  
nal, p. 35.

<sup>1</sup> "Treasury," in the State Library copy, Legislative Records of the Council, xiv., 297

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTIETH DAY OF AUGUST, A.D. 1729.

## CHAPTER 25.

RESOLVE ALLOWING THE ACC<sup>T</sup> OF THE TREAS<sup>R</sup> OF THE CO. OF  
SUFFOLK.

Legislative  
Records of the  
Council, xiv.,  
266.

House Jour-  
nal, p. 42.

AN ACCOMPT presented by Samuel Checkley Esq<sup>r</sup> Treasurer of the County of Suffolk for the Year 1728, Having been laid before the Court of General Sessions of the Peace for the said County, & by them examined & allowed of:

Read &

*Resolved* that the said Accompt be allowed. [*Passed August 21.*]

## CHAPTER 26.

VOTE ALLOWING THE ACC<sup>T</sup> OF THE TREAS<sup>R</sup> OF THE CO. OF BRISTOL.

Legislative  
Records of the  
Council, xiv.,  
266.

House Jour-  
nal, p. 38.

AN ACCOMPT presented by Cpt. William Throop Treasurer of the County of Bristol for the Year 1728, Having been laid before the Court of General Sessions of the Peace for said County & by them examined & allowed of:

Read &

*Voted*<sup>1</sup> that the within Accompt be allowed. [*Passed August 21.*]

## CHAPTER 27.

VOTE ALLOWING THE CO. TREAS<sup>R</sup> OF MIDDLESEX HIS ACC<sup>T</sup>.

Legislative  
Records of the  
Council, xiv.,  
267.

House Jour-  
nal, p. 38.

AN ACCOMPT presented by Daniel Russell Esq<sup>r</sup> Treasurer of the County of Middlesex for the year 1728, Having been laid before the Court of General Sessions of the Peace for said County & by them examined & allowed of;

Read &

*Voted*<sup>1</sup> that the said Accompt be allowed. [*Passed August 21.*]

<sup>1</sup> The House Journal reads, “*Ordered.*”

## CHAPTER 28.

ORDER GRANTING BENJ<sup>A</sup> GARDNER A LICENSE TO KEEP A TAVERN  
IN BROOKLYN.

A PETITION of Benjamin Gardner of Brooklyn, Shewing that he has had a Licence to keep an Inn in said Town, has paid the last Years Excise, & was recommended by the Select men therefor the Renewal of his Licence, but by Mistake of the Time has lapsed the proper Season for the same, And therefore Praying that he may have a Licence from this Court to keep an Inn in the said Town.

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the Justices of the Peace for the County of Suffolk at their next Session be & hereby are authorized & impowered (if they see Cause) to grant a Licence to the Petitioner to keep an Inn or Tavern in the Town of Brooklyn, The time by Law for granting Licences this present Year being elapsed or any other Usage or Custom to the Contrary notwithstanding. [*Passed August 21.*]

Legislative  
Records of the  
Council, xiv.,  
267.

House Jour-  
nal, p. 38.  
Province  
Laws, ii., 415,  
chap. 1.

## CHAPTER 29.

ORDER GRANTING TO ADRIAN ODLING A LICENSE TO KEEP A TAVERN  
IN BOSTON.

A PETITION of Adrian Odling, Widow of Elisha Odling late of Boston Inn holder Dec<sup>d</sup> Shewing that her said Husband for many years last past kept an Inn or Tavern in said Town in the House called the Salutation, that he paid his last years Excise, & was recommended for the Renewal of his Licence by the Select men, but died about the Time appointed for taking out Licences; And forasmuch as the Petitioners Dependence for the Support of her self & Family is on that Employ<sup>mt</sup> Therefore Praying that this Court would please to grant her a Licence to keep a Tavern in the said House.

Read &

*Ordered* that the within Peti[ti]on be so far granted as that the Justices of the Peace for the County of Suffolk at their next General Sessions of the Peace, be & are hereby authorized & impowered (if they see cause) to grant a Licence to the Petitioner to keep an Inn or Tavern in Boston in the Salutation House near Winesimmet Ferry Place, The Time for granting Licences this present Year being elapsed, Or any other Usage or Custom to the contrary notwithstanding. [*Passed August 21.*]

Legislative  
Records of the  
Council, xiv.,  
267.

House Jour-  
nal, pp. 42, 43.  
Province  
Laws, ii., 415,  
chap. 1.

## CHAPTER 30.

RESOLVE ALLOWING £8. 6 TO RICH<sup>D</sup> HUBBARD.

AN ACCOUNT presented by Richard Hubbard Door keeper to His Excellency the Governor & the Court, of the Charge of Horse Hire Calash Hire & other Expences in transporting Books & Papers from Boston to Salem &c, Amounting to the sum of £8. 6. 8.

Read &

Legislative  
Records of the  
Council, xiv.,  
267.

House Jour-  
nal, p. 38.

*Resolved* that the sum of Eight Pounds six shillings<sup>1</sup> be allowed & paid out of the publick Treasury to the Aecomptant Richard Hubbard in full discharge thereof. [*Passed August 21.*]

## CHAPTER 31.

### ORDER GRANTING TO THO. DRING A LICENSE TO KEEP A TAVERN IN LITTLE COMPTON.

Legislative  
Records of the  
Council, xiv.,  
268.

House Jour-  
nal, p. 45.  
Province  
Laws, ii., 415,  
chap. 1.

A PETITION of Thomas Dring of Little Compton in the County of Bristol, Shewing that having obtained from the Select men of said Town a Certificate of their Approbation of his Keeping an Inn there, he applied him self to the Justices of the said County in their General Sessions of the Peace for their Licence; But, upon alledging a Defect in the Form of the said Certificate, they denied him a Licence to keep an Inn; And the Time appointed by Law being now elapsed; Therefore Praying that the said Justices may be impowered at their next Court of General Sessions of the Peace to grant the Petitioner a Licence to keep an Inn in the said Town of Little Compton.

Read &

*Ordered*<sup>2</sup> that the Prayer of the Petition be granted, & that the Justices of the Peace for the County of Bristol at their next General Sessions of the Peace for the said County be & hereby are authorized & impowered (if they see Cause) to give a Licence to the Petitioner to keep an Inn or Tavern at the Place he now dwells in, in Little Compton, The Time by Law being elapsed, or any other Usage or Custom to the contrary notwithstanding. [*Passed August 22.*]

## CHAPTER 32.

### RESOLVE ALLOWING PAYMENT OF CPT. THO. SMITHS MUSTER ROLL.

Legislative  
Records of the  
Council, xiv.,  
271.

House Jour-  
nal, p. 48.

A MUSTER ROLL of the Garrison at the Truck house at Saco River under the Command of Cpt. Thomas Smith, Containing an Aecompt of Wages due to them from the 18<sup>th</sup> of April 1729, to the 19<sup>th</sup> of August following, Amounting to the sum of £87. 0. 11.

[Read and Accepted, and]

*Resolved* that the sum of Eighty seven Pounds & eleven pence be allowed & paid out of the publick Treasury to Cpt. Thomas Smith, to be by him repaid to the Officers & Soldiers born on this Roll. [*Passed August 23.*]

## CHAPTER 33.

### RESOLVE ALLOWING £10. 11. 1 TO JN<sup>o</sup> PRATT.

Legislative  
Records of the  
Council, xiv.,  
275.

House Jour-  
nal, p. 49.  
*Infra*, chap. 34.

AN ACCOMPT presented by John Prat of Salem Inn holder of the Expences of divers Committees of the Represent<sup>ees</sup> at his House from the third of April to the 22<sup>d</sup> of August. 1729, Amounting to the sum of £10. 11. 1.

[Read and]

<sup>1</sup> The House Journal reads, £8. 6. 9.

<sup>2</sup> The House Journal reads, "Voted."



*Resolved* that the sum of Ten Pounds eleven shillings & one peny be allowed & paid out of the publick Treasury to the Accomptant John Pratt in full discharge of the said Accompt. [*Passed August 27.*]

## CHAPTER 34.

RESOLVE ALLOWING PAYMENT OF £35 TO JN<sup>O</sup> PRATT, 2<sup>D</sup> ACCT<sup>R</sup>.

AN ACCOMPT presented by John Pratt of the Charge of entertaining the Governor & Council upon the Day of the Election of Councillors for this present Year 1729, Amounting to the sum of £35.

Legislative  
Records of the  
Council, xiv.,  
275.

[Read and]

*Resolved* that the sum of Thirty five Pounds be allowed & paid out of the publick Treasury to the Accomptant John Pratt in full discharge of the said Accompt. [*Passed August 27.*]

House Jour-  
nal, pp. 48, 49.  
*Supra*, chap.  
33.

## CHAPTER 35.

RESOLVE ALLOWING £24 TO THO. HANCOCK.

AN ACCOMPT presented by Thomas Hancock Bookseller of the Charge of printing the Sermon preached by the Rev<sup>d</sup> M<sup>r</sup> Wise on the Day of the Election of Councillors, Amounting to the sum of £24.

Legislative  
Records of the  
Council, xiv.,  
275.

[Read and]

*Resolved*<sup>1</sup> that the sum of Twenty four Pounds<sup>2</sup> be allowed & paid out of the publick Treasury to the Accomptant Thomas Hancock in full discharge of the within Accompt. [*Passed August 27.*]

House Jour-  
nal, p. 48.

## CHAPTER 36.

ORDER ON NORTH YARMOUTH PETITION IMPOWERING TAX COLLECTORS TO COLLECT TAXES FOR SUPPORT OF THE MINISTRY AND BUILDING A MEETING HOUSE.

A MEMORIAL of William Tailer Esq<sup>r</sup> for the Committee & Proprietors of North Yarmouth Shewing that the said Proprietors agreed & voted that a Tax of Three Pounds be levied on each of the House Lots in said Town (the Ministers, Ministry & School Lots excepted) for the Payment of two years Salary due to M<sup>r</sup> Samuel Seaberry their Minister, as also for levying a Tax of Six hundred Pounds for building a Meeting house in the said Place; W<sup>ch</sup> Votes were approved of by the Committee; And forasmuch as there is like to be some difficulty in collecting the said Tax, Therefore Praying that the said Collectors may be empowered by an Order of this Court to collect the said Taxes for the uses before mentioned.

Legislative  
Records of the  
Council, xiv.,  
269, 275.

House Jour-  
nal, pp. 58, 59.  
Province  
Laws, x., 184,  
chap. 74.

Read & forasmuch as the Inhabitants of North Yarmouth are not yet vested with the Privileges of a Town; by reason of which there may arise some difficulty in collecting the Assessments refer'd to in this Petition; It is

<sup>1</sup> The House Journal reads, "*Ordered.*"

<sup>2</sup> The House Journal reads, £24. 14. 8.

*Ordered* that Lieut. James Parker, M<sup>r</sup> Samuel Seaberry & M<sup>r</sup> Phineas Jones be & hereby are fully authorized & impowered to levy & collect of the Settlers & Proprietors of the said Place the several sums voted & agreed by the Proprietors to be raised for the Settlement & Support of a Minister, & building a Meeting house ; which was approved by the Committee appointed by this Court for managing the Affairs of the said Place ; & that the Money when collected be applied accordingly. [*Passed August 28.*]

## CHAPTER 37.

### VOTE ALLOWING £29. 19. 6 TO D<sup>r</sup> JOSH. WHEAT.

Legislative  
Records of the  
Council, xiv.,  
276.

House Jour-  
nal, p. 44.  
*Ante*, p. 391,  
chap. 265.

A PETITION of D<sup>r</sup> Joshua Wheat, Shewing that Samuel Umpatawen of Natick Indian, being sick, was under his Care for six months in the Year 1719, as also his Family, there was much Sickness. And for as much as the Petitioner is informed that there is a Tract of Land that belonged to the said Indian, now sold for paying his Debts, he being dead : Therefore Praying that he may be allowed the Amount of his Accompt of Medicines & Attendance hereunto annexed being £29. 19. 6 out of the Produce of the said Land

Read [and Accepted.] &

*Voted* the sum of Twenty nine Pounds nineteen shillings & six pence<sup>1</sup> be paid to the Petitioner Joshua Wheat in full discharge, out of the Money arising by the Sale of the within named Samuel Umpatawens Land in the hands of M<sup>r</sup> John Death<sup>2</sup> & others ; And they are hereby ordered to pay the same accordingly. [*Passed August 28.*]

## CHAPTER 38.

### RESOLVE ALLOWING THE ACC<sup>t</sup> OF THE TREAS<sup>r</sup> OF THE CO. OF BARN-STABLE.

Legislative  
Records of the  
Council, xiv.,  
276.

House Jour-  
nal, p. 58.

AN ACCOMPT presented by Ebenezer Lewis Treasurer of the County of Barnstable for the Year 1728, having been laid before the Court of General Sessions of the Peace for the said County & by them examined & allowed.

Read [and Accepted.] &

*Ordered* that this Accompt be allowed. [*Passed August 28.*]

## CHAPTER 39.

### RESOLVE DISCHARGING THE TRUSTEES OF THE HASSANIMISCO INDIANS AND ALLOWING THEM £117. 7.

Legislative  
Records of the  
Council, xiv.,  
276.

House Jour-  
nal, p. 59.  
*Ante*, p. 233,  
chap. 36.

AN ACCOMPT presented by Spencer Phips Esq<sup>r</sup> Cpt. Edward Goddard & Cpt. Ephraim Curtis, a Committee appointed by the General Court to have the Care of the Indians of Hassanimisco, of their Receipts of Interest Money, & of their Disbursements for the said Indians.

Read &

<sup>1</sup> The House Journal reads, £22. 9. 6.

<sup>2</sup> The House Journal reads, "D<sup>r</sup> Death."

*Resolved* that the within Accompt of the Trustees of Hassanimisco be accepted, & that they be discharged of the sum of One hundred & seventeen Pounds seven shillings accordingly. [*Passed August 28.*]

## CHAPTER 40.

### RESOLVE GRANTING TO SUNDERLAND LAND EASTWARD AND ADJOINING TO THE TOWN.

A PETITION of the Inhabitants of the Town of Sunderland, Setting forth that their Township being nine miles long, is but four miles wide; a great part of which Land is rough & mountainous & unfit for use; And therefore Praying for an Addition of Province Land to make the Town wider from the River, the said Land having been formerly purchased by them of the Natives, & is two miles in breadth the whole length of their Township & it can be of no detriment to any Settlement that may hereafter be brought forward near them

In the House of Repre<sup>vs</sup> Read &

*Resolved* that the prayer of the Pet<sup>n</sup> be Granted & that the Lands Lying Eastward of & Adjoyning to the Town of Sunderland the whole Length of s<sup>d</sup> Town Extending two Miles from Sunderland East Bounds be & hereby is Granted to the Inhabitants of the Town of Sunderland & their heirs & Assigns forever & that they present a platt thereof to this Court at their Next Session for Confirmation.

In Council Read & Concurr<sup>d</sup> provided this Grant does not Interfere w<sup>th</sup> any former Grant of y<sup>s</sup> Court

In the House of Repre<sup>vs</sup> Read & Concurr<sup>d</sup>. [*Passed August 28.*]

Legislative  
Records of the  
Council, xiv.,  
277. Mass.  
Archives,  
cxiii., 759.

House Jour-  
nal, pp. 56, 57.

## CHAPTER 41.

### ORDER ON PETITION OF EDW<sup>D</sup> HUTCHINSON ESQ<sup>R</sup> & M<sup>RS</sup> MARY WOLCOT GRANTING A SURVEY OF LAND.

A PETITION of Edward Hutchinson Esq<sup>r</sup> & M<sup>rs</sup> Mary Walcott, Widow of Josiah Walcott Esq<sup>r</sup> Dec<sup>d</sup> Shewing that whereas the General Court of the late Colony of the Massachusetts Bay were pleased to grant to Richard Fellows Two hundred Acres of Land, which M<sup>r</sup> Thomas Clark Grand father of the Petitioners purchased of the said Fellows, the Lines of the said Grant by length of time are grown obscure & uncertain, Therefore Praying that some Persons may be appointed at the Petitioners Cost, to survey the said Land & run the Lines a new.

Read &

*Ordered* that the Prayer of the Petition be granted, & that Cpt. Timothy Dwight with two Chain men on Oath be impowered to run the Lines or Bounds of the within mentioned Grant at the Charge of the Memorialists, The Committee of Brimfield or some of them to be notified seasonably of the Time when these Bounds are to be run & that a Plat of the said Land be returned to this Court. [*Passed August 28.*]

Legislative  
Records of the  
Council, xiv.,  
277.

House Jour-  
nal, p. 59.  
Province  
Laws, x., 245,  
chap. 252.

## CHAPTER 42.

## RESOLVE ALLOWING PAYMENT OF CPT. JOSEPH KELLOGS MUSTER ROLL.

Legislative  
Records of the  
Council, xiv.,  
277.

House Jour-  
nal, p. 59.

A MUSTER ROLL of the Garrison in his Majestys Service at Fort Dummer under the Command of Cpt. Joseph Kellog, Containing an Accompt of Wages due to them for their Service from<sup>1</sup>

Amounting to the sum of £164. 17. 10.

[Read and Accepted, and]

*Resolved* that the sum of One hundred and sixty four Pounds seventeen shillings & ten pence be allowed & paid out of the publick Treasury to Cpt. Joseph Kellog to be by him repaid to the Officers & Soldiers born thereon to whom the same is due in full Discharge thereof. [*Passed August 28.*]

## CHAPTER 43.

## VOTE APPOINTING A COMMITTEE ON THE PETITION OF DIVERS INHABTS OF NEWBURY WESTLY PRECINCT.

Legislative  
Records of the  
Council, xiv.,  
279.

House Jour-  
nal, pp. 44, 60.

A PETITION of sundry Inhabitants of the Westerly Precinct in Newbury, Praying that this Court would appoint a Committee to repair to the said Town, & view the Situation & Circumstances of the Petitioners in order to their being set off a separate & distinct Precinct

In the House of Represent<sup>ves</sup> Read together with the Answer of the Inhabitants of the Westerly Precinct in Newbury, And the Matter being duly considered,

*Voted* that Richard Saltonstal Esq<sup>r</sup> & M<sup>r</sup> Lemon with such as the Hon<sup>ble</sup> Board shall appoint be a Committee to repair to the Westerly Precinct in Newbury, timely to notify the Parties concerned, that they view the same & report their Opinion to this Court as soon as may be what may be proper for this Court to do thereon.

In Council; Read & Concur'd; And Spencer Phips Esq<sup>r</sup> is joined in the Affair. [*Passed August 29.*]

## CHAPTER 44.

RESOLVE ALLOWING £49. 12. 6 TO D<sup>r</sup> GEO. PEMBERTON.

Legislative  
Records of the  
Council, xiv.,  
280.

House Jour-  
nal, p. 63.

AN ACCOMPT presented by D<sup>r</sup> George Pemberton of Medicines internally & externally administered to the sick & wounded at Castle William from the 26<sup>th</sup> of March to the 29<sup>th</sup> of June 1729, Amounting to y<sup>e</sup> sum of £53. 7. 6.

[Read and Accepted, and]

*Resolved* that the sum of Forty nine Pounds twelve shillings & six pence be allowed & paid out of the publick Treasury to the Accomptant George Pemberton, to be by him repaid to the Persons to whom it is respectively due in full discharge thereof. [*Passed August 30.*]

<sup>1</sup> After the word "from" there is a space, which appears in the State Library copy, Legislative Records of the Council, xiv., 317, as well as in the Secretary's copy.

## CHAPTER 45.

## VOTE ALLOWING £369. 19. 6 TO CPT. JAMES GRANT.

AN ACCOMPT presented by Cpt. James Grant of the Charge of Materials & Work done in building the Truck house on Saco River by Order of the General Court, Amounting to the sum of £369. 19. 5.

[Read and Accepted, and]

*Voted*<sup>1</sup> that the sum of Three hundred & sixty nine Pounds nineteen shillings & six pence<sup>2</sup> be allowed & paid out of the publick Treasury to the Accomptant Cpt Grant in full discharge thereof. [*Passed August 30.*

Legislative  
Records of the  
Council, xiv.,  
281.

House Jour-  
nal, p. 48.  
*Ante*, p. 377,  
chap. 227.

## CHAPTER 46.

ORDER GRANTING TO JOHN GLESON AND HENRY LELAND THE RIGHT  
TO ERECT A MILL ON INDIAN BROOK.

A PETITION of John Speen of Natick Indian, Praying that John Glesson & Henry Leland may be allowed to build & use a great Grist Mill on a Brook called Indian Brook, which runs thrô the Petitioners Land, The said Glesson & Leland to have the Profit of the said Mill for thirty years, & the Indians Corn to be ground Toll free during that time.

Read &

*Ordered* that the Prayer of the Petition be granted, & the said John Glesson & Henry Leland are allowed to erect the Mill & receive the Profits accordingly; Saving that the Indians Corn shall be received & ground Toll free for the space of thirty years next after the Run of the said Mill: Provided the Meadows within mentioned be overflowed from the first of October to the tenth of April & no longer, Provided also that Francis Fulham Esq<sup>r</sup> be desired & impowered to take Care that there be no more of the Indians Lands allowed to the within named John Glesson & Henry Leland than is absolutely necessary for the Use of the Grist Mill proposed to be built by them. [*Passed September 1.*<sup>3</sup>

Legislative  
Records of the  
Council, xiv.,  
252, 291, 314.

House Jour-  
nal, pp. 19, 27,  
67.

## CHAPTER 47.

ORDER IMPOWERING MARY BREED AS EXECUTRIX TO DIVIDE AN  
ESTATE.

A PETITION of Mary Breed of Lyn in the County of Essex Widow & sole Executrix of the last Will & Testament of John Breed her Husband Dec<sup>d</sup> Shewing that her said Husband by his Will ordered that after his Decease his Debts & Funeral Charges being first paid, & his Estate being cleared thereof, that the Remainder be apprizd & divided by a Committee legally authorized, That the Petitioner has applied to the Judges of the Superiour Court to order a Division accordingly; which by reason of some difficulty in the Affair, they declined, leaving the Peti-

Legislative  
Records of the  
Council, xiv.,  
282, 313.

House Jour-  
nal, p. 68.

<sup>1</sup> The House Journal reads, "*Ordered.*"

<sup>2</sup> The House Journal reads, £369. 19. 5.

<sup>3</sup> This order, first passed by the General Court on July 3d, was revived on September 4th according to Legislative Records of the Council, but on September 1st according to the House Journal. Final action being in the House the House Journal date is taken.

tioner to apply to this Court; And therefore Praying that the Judge of Probates for the County of Essex may be empowered by an Order of this Court to appoint a Committee to make a Division of the s<sup>d</sup> Estate, agreeable to the Direction of the said Will.

Read &

*Ordered* that the Prayer of the Petition be granted. & that the Judge of the Probate of Wills for the County of Essex be and hereby is empowered & directed to appoint a Committee to make a Division agreeable to the said Will, Provided that the Conditions in the said Will mentioned be first complied with. [*Passed September 2.*<sup>1</sup>]

## CHAPTER 48.

Legislative  
Records of the  
Council, xiv.,  
288, 314.

### VOTE FOR SUPPLYING THE TRUCK HOUSES ON SACO & CONNECTICUT RIVERS.

Legislative  
Records of the  
Council, xiv.,  
261. House  
Journal, pp. 67,  
68. *Ante*,  
p. 397, chap.  
283.

*Voted* that the Treasurer be directed from time to time to supply the Truck masters at the Trading House on Saco River & that above Northfield on Connecticut River out of the Proceeds of the sums already granted for that service with such Goods as shall be necessary for carrying on the Trade with the Indians; The said Truck masters to be accountable for what they shall respectively receive. [*Passed September 2.*]

## CHAPTER 49.

### VOTE IMPOWERING CPT. JOS. KELLOG TO SELL BEAVER SKINS.

Legislative  
Records of the  
Council, xiv.,  
288, 314.

House Jour-  
nal, p. 67.

A MEMORIAL of Cpt. Joseph Kellog Truck master at the Trading house above Northfield, Shewing that the Inhabitants of several Towns near the said Trading house stand in need of Bever Skins for manufacturing them into Hats in so much as that the said Skins would fetch as great a Price there as at Boston, & by that means would save the Risque & Charge of Transportation; And therefore proposing that he have Liberty to sell as many Bever Skins at the said Truck house as he can dispose of there.

Read &

*Voted* that Cpt. Kellog the Petitioner have Liberty to sell the Bever he may buy of the Indians in the Truck Trade at the Truck house above Northfield, Following such Directions as he shall from time to time receive from the Treasurer. [*Passed September 2.*]

## CHAPTER 50.

### VOTE GRANTING A LICENCE TO SAM<sup>l</sup> LEAMAN TO KEEP A TAVERN IN READING.

Legislative  
Records of the  
Council, xiv.,  
288, 314.

A PETITION of Samuel Leaman of Reading, Shewing that he hath kept an Inn or Tavern in said Town for divers years past, but thro' Mistake of the Day for renewing his Licence he lapsed his Time; And

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is September 1.

therefore Praying for an Order of this Court to empower & direct the Justices of the County of Middlesex at their next General Sessions to grant him a Licence to keep an Inn as aforesaid

House Journal, pp. 68, 69.  
Province  
Laws, li., 415,  
chap. 1.

Read &

*Ordered*<sup>1</sup> that the Prayer of the Petition be granted so far as that the Justices of the Peace for the County of Middlesex at their next General Sessions of the Peace for the said County be & hereby are authorized & empowered (if they see Cause) to grant a Licence to the Petitioner to keep an Inn or Tavern at the Place he now dwells in Reading; The time by Law being elapsed, or any Usage or Custom to the contrary notwithstanding. [*Passed September 2.*]

## CHAPTER 51.

VOTE GRANTING A TRACT OF LAND TO W<sup>M</sup> WARD ESQ<sup>R</sup> & JOSH. MORSE.

A PETITION of Willam Ward Esq<sup>r</sup> & Joshua Morse, Shewing that divers Inhabitants of Medfield did in the Year 1727, petition the General Court for the Grant of a Tract of Land for a Township lying between Oxford Brookfield, Brimfield & the Province Line for such Consideration as they should judge proper; Whereupon the Court appointed that the s<sup>d</sup> Land should be surveyed & valued, And the Committee, after viewing the same, reported the Value of the Land to be One thousand Pounds; And Praying in behalf of the said Petitioners that the said Land may be granted & confirmed to them by this Court.

Legislative  
Records of the  
Council, xiv.,  
289, 314.

Legislative  
Records of the  
Council, xiv.,  
254. House  
Journal, pp.  
60, 61. *Ante*,  
p. 324, chap. 70.

Read and

*Voted* that the Prayer of the Petition be granted, & that the Petitioners & their Associates their Heirs & Assigns shall have & enjoy the Land petitioned for accordingly; And for the effectual Compleating the Settlement of the said Lands, that they be hereby obliged in seven years from this Date to settle & have actually upon the Spot fifty Families; each of which to build an House eighteen feet square at least, to break up & bring to fit for plowing or mowing, & what is not for plowing to be well stocked with English Grass, seven Acres of Land; to settle an orthodox Minister, & to lay out to him an House Lot equal to the other Home Lots, which Lot shall draw a fiftieth Part of the Province Land now granted, & to be accounted as one of the fifty to be now settled; That no Person who shall bring forward a Settlement in said Place shall presume to sell, alienate or dispose of his Lot or Right or any part thereof, till he has fulfilled or complied with the Articles aforesaid on Penalty of forfeiting the same to the Province; Provided that if any Person before the Expiration of the said seven Years shall have complied with the aforesaid Terms he may not sell his Interest but to such Person as will actually dwell thereon till said Term of seven Years be fully expired; And for the better ordering & regulating the Affairs of the Plantation, That William Ward Esq<sup>r</sup> be empowered & directed to assemble the Grantees, who shall act as Moderator, & as soon as they are so assembled, they shall be empowered to chuse a Clerk, who shall be empowered to enter all Votes & Orders of the Society, & at said Meeting shall agree in what way & manner their Meeting shall be called for the future, as also a Committee for surveying & ordering the Affairs of the Plantation, which Committee shall be annually chosen; & that the Society have Power to raise Money for defraying the Charges arising among them; which Charges shall be levied & assessed on the Lands by the

<sup>1</sup> The House Journal reads, "*Voted.*"

said Committee, & collected by some suitable Person chosen for that end & under Oath, & [who]<sup>1</sup> shall make up his Accompts with the Committee once in a Year at the least. [*Passed September 3.*]

## CHAPTER 52.

### VOTE IMPOWERING MRS KATHERINE MENSIES TO GAVE A DEED OF PROPERTY TO ARTH. CARY.

Legislative  
Records of the  
Council, xiv.,  
290, 314.

House Jour-  
nal, pp. 63, 77.

A PETITION of Arthur Cary Setting forth that some time before the Death of John Menzies Esq<sup>r</sup> Dec<sup>d</sup> the Petitioner & the said Menzies agreed upon an Exchange of Lands, & the Petitioner was put into possession of Three hundred Acres of Land in Leicester belonging to the said Menzies, who fully purposed to have given him a firm Deed of the same, but was prevented by Death; And Praying that M<sup>rs</sup> Katherine Menzies, Relict & Administ<sup>x</sup> of the said Menzies may be impowered to execute a Deed for the Conveyance of the said Land to the Petitioner.

Read &

*Resolved* that the Prayer of the Petition be granted and that the afore named Katherine Menzies be & hereby is impowered to execute a Deed for the Conveyance of the Lands therein mentioned to the Petitioner accordingly. [*Passed September 4.*]<sup>2</sup>

## CHAPTER 53.

### ORDER ALLOWING THE ACC<sup>t</sup> OF THE TREAS<sup>r</sup> OF THE COUNTY OF ESSEX.

Legislative  
Records of the  
Council, xiv.,  
291, 314.

House Jour-  
nal, p. 78.

AN ACCOMPT presented by John Appleton Esq<sup>r</sup> Treasurer of the County of Essex for the last year, Having been laid before the Court of General Sessions of the Peace for the said County & by them examined & allowed;

Read &

*Ordered* that the Accompt of John Appleton Esq<sup>r</sup> Treasurer of the County of Essex be allowed. [*Passed September 4.*]

## CHAPTER 54.

### ORDER IMPOWERING OXFORD ASSESSORS TO LEVY A TAX OF ONE FARTHING PER ACRE ON UNAPPROPRIATED LANDS.

Legislative  
Records of the  
Council, xiv.,  
291, 314.

House Jour-  
nal, p. 76.

A PETITION of Isaac Learned in behalf of the Inhabitants of the Town of Oxford Praying that the unimproved Lands in the said Town may be assessed at an Half penny per Acre towards defraying the Charges of the Support of the Ministry in the said Town.

Read &

*Ordered* that the Prayer of the Petition be so far granted, as that

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 331.

<sup>2</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is September 3.



the Assessors of Oxford be & hereby are impowered to assess of<sup>1</sup> the Owners of such unappropriated Lands at one farthing an Acre for five years next coming for the Support of the Ministry there. [*Passed September 4.*]

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## CHAPTER 55.

ORDER IMPOWERING THE ADMINISTRATOR OF THE ESTATE OF SAMUEL HOLDEN TO EXECUTE A DEED FOR CONVEYANCE OF REAL ESTATE.

A PETITION of the Administ<sup>r</sup> & of the Children & Heirs of Samuel Holden late of Cambridge Dec<sup>d</sup> Shewing that they are equally intituled to about eighty Acres of Land in Cambridge afore said with a House & Barn thereon which was the Estate of their said Father, & sixty Acres of it left to him by his Father Justinian Holden by a Clause in his Will which is thought to carry the Force of an Entail, which was taken off by an Act of the General Court; But it so happened that the said Samuel Holden hath not pass'd away his Right to the said sixty Acres; And for as much as a Division of the said Land into so many Parts as there are Children will be an unspeakable Wrong to all those that are interested therein; Therefore Praying that they may be impowered by this Court to dispose of their respective Shares in the said Land, the Guardians to act for those under Age.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petitioners be & hereby are impowered to execute a good Deed for the Conveyance of the Premisses accordingly. [*Passed September 4.*]

Legislative  
Records of the  
Council, xiv.,  
291, 314.

House Jour-  
nal, p. 68.  
Province  
Laws, vi., 81,  
No. 31.

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## CHAPTER 56.

ORDER OF NOTICE ON PETITION OF JN<sup>o</sup> COBBET & SAM<sup>l</sup> READ FOR AN APPEAL.

A PETITION of John Cobbet & Samuel Read both of Boston in the County of Suffolk, Praying that they may be impowered by an Order of this Court to have a Trial of an Appeal from the Inferior Court of Common Pleas to the Superior Court in the said County in a Cause brought against them by James Gardner of Gloucester for Rent of a Ware house, their said Appeal failing by their Attorneys omitting to file Reasons of Appeal in the proper Season.

Read &

*Ordered* that the Petitioners serve James Gardner with a Copy of the Petition, that he give in his Answer the next Wednesday, if the Court be then sitting, if not on the first Thursday of the next Sessions.<sup>2</sup> [*Passed September 4.*]

Legislative  
Records of the  
Council, xiv.,  
292, 314.

House Jour-  
nal, p. 78.

<sup>1</sup> *Sic.*

<sup>2</sup> The House Journal, p. 78 (September, 1729), here adds, "why the Prayer thereof should not be granted, and that Execution be stayed in the mean Time."

## CHAPTER 57.

## VOTE INCORPORATING A TOWNSHIP AT PENNICOOK.

Legislative  
Records of the  
Council, xiv.,  
292, 314.

House Jour-  
nal, pp. 77, 78,  
79. *Ante*, p. 48,  
chap. 117.

A PETITION of the Proprietors of Penicook, Setting forth that they have made considerable Advances towards the Settlement of the said Place by clearing of the Land, building of Houses & erecting a Meeting house; And therefore Praying that they may be vested with the Powers of a Township in order to their assessing & levying a Tax on the Proprietors for the necessary Charges of the said Place, & that this Court would please to remit to them the sum of Five hundred Pounds which they are obliged to pay into the Province Treasury for their respective Lots there.

Read & In answer to this Petition,

*Ordered* that Richard Hazzen John Chandler, William Parker & Nathaniel Symonds or any three of them, be & hereby are impowered to assess, levy & collect such sum or sums of Money as are or shall be granted & agreed to be raised by & on the Settlers & Grantees of Penicook for carrying on the necessary Charges of the said Place. [*Passed September 5.*<sup>1</sup>]

## CHAPTER 58.

## VOTE ALLOWING £18. 15 FROM TRUSTEES OF HASSANIMISCO INDIANS TO JOHN MATTHEWS.

Legislative  
Records of the  
Council, xiv.,  
293, 314.

House Jour-  
nal, pp. 78, 79.  
*Ante*, p. 233,  
chap. 36.

A PETITION of John Matthews of Southborò Shewing that Amy Printer Jun<sup>r</sup> having wounded his Wife in the Heel by a Brace of Bullets & shattered several Bones, the Petitioner was sent for to Hassanimisco to take Care of her, and after fifteen Journeys thither & a great deal of Pains & Charges he made a thorough Cure of the said Wound; And for as much as the said Printer is not able to pay the Charge of the Cure; which amounts to the sum of Twenty five Pounds, Therefore Praying that he may be allowed the said sum out of the Interest Money received by the Trustees of Hassanimisco for Amy Printer Jun<sup>r</sup> his Part of the Purchase Consideration of the Indian Lands at Hassanimisco sold by the said Trustees for the Use of the Proprietors.

Read &

*Voted* that there be allowed & paid to the Petitioner John Matthews out of the Interest Money belonging to Amy Printer, & Amy Printer Jun<sup>r</sup> under the Care of Spencer Phips Esq<sup>r</sup> & others Trustees for the Indians of Hassanimisco, Eighteen Pounds fifteen shillings in full for the Medicines & Service as mentioned in this Petition, in full Satisfaction thereof, as soon as so much of the said Money belonging to the said Amy Printer & Amy Printer Jun<sup>r</sup> shall come into the said Trustees Hands. [*Passed September 5.*]

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is September 4.

<sup>2</sup> *Sic.*

## CHAPTER 59.

## VOTE ACCEPTING THE COMMITTEES REPORT ABOUT THE GOVERNOR'S FUNERAL.

THE REPORT of the Committee referring to the Governors Funeral was read in both Houses, & Accepted with Amendm<sup>ts</sup> And is as follows; viz,

Legislative  
Records of the  
Council, xiv.,  
295.

It is humbly proposed by the Committee appointed to consider of the Funeral of his Excellency William Burnet Esq<sup>r</sup> late Captain General and Governor in Chief in & over his Majestys Province of the Massachusetts Bay,

Legislative  
Records of the  
Council, xiv.,  
294 *quater*.  
House Jour-  
nal, pp. 82, 83.  
*Infra*, chap. 60.

That the two S<sup>ons</sup> be cloathed with the best black Cloth & other suitable Mourning; The Daughter & Sisters with the best Mourning for Gentlewomen; That M<sup>r</sup> Langlazary French Tutor to the Govern<sup>rs</sup> Children have Mourning suitable to a Gentleman; M<sup>r</sup> George Burnet the Governors Steward the same; The Coach man & Thomas Brown Mourning suitable to Servants; For a white Woman Servant, Negro Man, Molatto Boy & three Negroe Women suitable Mourning; The Coach, Coach Horses & leg<sup>1</sup> Horse to be put into Mourning; That the Gentlemen that have been of the Council, attending the Funeral have Rings & Gloves; That all the present Members of the Council, the Secretary the Speaker & all the present Members of the House of Represent<sup>ves</sup> have Gloves & Rings; That the Justices of the Superior Court have Gloves & Rings; That the Justices of the Peace have Gloves, & also the Captain of the Man of War & Officers of the Custom house & Cpt. Larrabee; That the Ministers of the Kings Chappel in Boston have Gloves & Rings; & the other Ministers attending the Funeral have Gloves; That the Bearers & three Doctors have Gloves & Rings; That the President of the College have Gloves & a Ring, & the Professors & Fellows of Harvard College have Gloves; That Gloves be sent to the Wives of such as have Rings who are likewise to attend the Funeral; That his Honour the Lieutenant Governor be desired to direct Funeral Guns at the Castle & Battery; That there be Wine needful to refresh the Regiment in Arms only; That the twelve Under Bearers have suitable Gloves; That the Women who laid out the Corps have Gloves & Rings; That the Regiment of Boston be put into usual Mourning; the Field Officers to have Gloves & Rings; the Captains & other Commission Officers to have Gloves; That the Door keeper to his Excellency & this Court be put into Mourning; And that Thomas Fitch Esq<sup>r</sup> M<sup>r</sup> Ezekiel Lewis, & M<sup>r</sup> Thomas Cushing be desired to take Care of the orderly carrying on of the Funeral. [*Passed September 10.*]

## CHAPTER 60.

## VOTE APPOINTING PALL BEARERS FOR THE GOVERNOR'S FUNERAL.

In the House of Represent<sup>ves</sup>

*Voted* that a Message be sent up to the Hon<sup>ble</sup> Board, acquainting them, That it is the Unanimous Desire of this House that his Honour the Lieuten<sup>t</sup> Governor, Lieuten<sup>t</sup> Governor Wentworth if present, Coll. Tailer, & three or four Senior Members of the Council attending, be Pall Bearers at the Funeral of his Excellency the late Governor, ac-

Legislative  
Records of the  
Council, xiv.,  
296.  
*Supra*, chap.  
59.

<sup>1</sup> "a Led," in the State Library copy, Legislative Records of the Council, xiv., 338.

cording to the Agree<sup>mt</sup> of the Committee yesterday, casually omitted in the Report.

To which Desire of the House the Lieut. Governor & Council agreed.<sup>1</sup>  
[*Passed September 10.*]

## CHAPTER 61.

### RESOLVE ALLOWING PAYMENT OF CPT. THO. SAUNDERS'S MUSTER ROLL.

Legislative  
Records of the  
Council, xiv.,  
297.

House Jour-  
nal, pp. 86, 87.

A MUSTER ROLL presented by Cpt. Thomas Saunders Master of the Sloop Endeavour a Transport, Containing an Accompt of Wages due to the said Master & Company together with the Hire of the Sloop from April 4<sup>th</sup> to September 11<sup>th</sup> 1729, Amounting to the sum of £201. 5.

[Read and Accepted, and]

*Resolved* that the sum of Two hundred & one Pounds five shillings be allowed & paid out of the publick Treasury to Cpt. Thomas Saunders, to be by him repaid to the several Persons born on the Roll to whom the same is respectively due in full discharge thereof. [*Passed September 18.*]

## CHAPTER 62.

### ORDER DIRECTING JOSH. HUTCHINS TO SERVE THE ADVERSE PARTY WITH A COPY OF HIS PETITION.

Legislative  
Records of the  
Council, xiv.,  
297.

House Jour-  
nal, pp. 79, 80.  
Province  
Laws, ix., 696,  
chap. 113.  
*Ante*, p. 329,  
chap. 85.

A PETITION of Joshua Hutchins of Lunenburg, Shewing that he purchased of Cpt. John Shipley & M<sup>r</sup> Benjamin Whitamore, two of the Committee of the General Court for granting Allotments in said Place the forty fourth Lot, since which the General Court has made void the Sale of the forfeited Lots his being of that kind; that the said Shipley & Whitamore refused to return the Petitioners Money; And he having no Remedy in the Common Law, Therefore Praying for Redress from this Court.

Read &

*Ordered* that the Petitioner serve the within named Benjamin Whittamore & John Shipley with a Copy of the Petition, that they give reason, if they see cause, why the Prayer thereof should not be granted on the next Thursday, if the Court be then sitting, if not on the first Thursday of the next Session. [*Passed September 18.*]

## CHAPTER 63.

### VOTE IMPOWERING THE CLERK OF THE COURT OF COMMON PLEAS FOR BRISTOL COUNTY TO ISSUE AN EXECUTION.

Legislative  
Records of the  
Council, xiv.,  
299.

House Jour-  
nal, p. 88.

A PETITION of Thomas Gage of Freetown, Shewing that he having commenced an Action against Benjamin Hagar of Dighton, at the Inferiour Court of Common Pleas for the County of Bristol held in July 1728, the Parties refer'd their Controversies to three indifferent Persons, who reported that the sum of £58. 1. 11 was due to the Petition<sup>r</sup> And the Court made up Judgment accordingly; From which the

<sup>1</sup> Not found in the House Journal.

said Hagar appealed to the Superior Court, Who dismiss'd the Appeal, being of Opinion that an Award of Referrees was a final Determination ; But forasmuch as the said Hagar recognized to prosecute his Appeal, the Clerk of the Inferior Court is of Opinion that he cannot issue out an Execution without an Order of this Court & Therefore Praying for such Order

Read & In answer to this Petition,

*Voted* that the Clerk of the Inferior Court of Common Pleas for the County of Bristol be & hereby [is]<sup>1</sup> empowered to issue out Execution upon the Judgment of the said Court held at Bristol the second Tuesday of October last for the Petitioner to recover against the within mentioned Benjamin Hagar the sum of Fifty eight Pounds one shilling & seven pence & Costs of Court ; The said Hagars Appeal to the Superior Court with Recognizance notwithstanding. [*Passed September 18.*]

## CHAPTER 64.

### ORDER IMPOWERING THE SELECT MEN OF BRANTREE TO RUN A BOUNDARY LINE.

A PETITION of the Select men of the Town of Brantree, Setting forth That, agreeable to the Directions of the Law they gave Notice to the Select men of the Town of Abingdon to meet them on a day upon the Borders of the said Towns in order to run the Divisional Line, but to their great surprize they found that the said Line had not been marked in some Parts thereof, so that the Petitioners were much disabled from prosecuting their Design, & Therefore Praying that this Court would give Orders that the said Line may be run & marked out that so it may hereafter be sufficiently known.

Legislative  
Records of the  
Council, xiv.,  
252, 301.

House Jour-  
nal, p. 25  
(April); pp. 19,  
91. Province  
Laws, x., 303,  
chap. 37.

Read &

*Ordered* that the Prayer of the Petition be granted ; And Samuel Thaxter & William Dudley Esq<sup>rs</sup> (or either of them) be empowered to run & mark the Line accordingly, Provided the Town of Braintree give seasonable Notice to the Selectmen of Abingdon, that they may be present if they see cause, at the running & marking the said Line. [*Passed September 19.*]

## CHAPTER 65.

### VOTE IMPOWERING AND. GARDNER TO LAY OUT 300 ACRES OF LAND FOR THE CHILDREN OF JOS. WILLARD DEC<sup>d</sup>.

A PETITION of M<sup>r</sup> Andrew Gardner in behalf of the Children of M<sup>r</sup> Joseph Willard late Minister of Rutland, Setting forth that the said M<sup>r</sup> Willard was killed by the Indians in the late Indian War, & in defending his own Life did in all probability kill one or more of the said Indians, And therefore Praying for a Grant of Province Land to s<sup>d</sup> Children.

Legislative  
Records of the  
Council, xiv.,  
304.

House Jour-  
nal, pp. 98, 99.

Read & In answer to this Petition,

*Voted* that the Prayer thereof be so far granted as that M<sup>r</sup> Andrew Gardner the Petitioner in behalf of the two Sons of the Rev<sup>d</sup> M<sup>r</sup> Joseph Willard late of Rutland Dec<sup>d</sup> be empowered by a Surveyor & Chain men on Oath, to survey & lay out Three hundred Acres of unappropriated

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 342.

Lands of this Province, now granted & return a Plat thereof to this Court within twelve months for Confirmation to them; The said Three hundred Acres to be equally divided between them. [*Passed September 23.*]

## CHAPTER 66.

### RESOLVE ALLOWING £100 TO CPT. JAMES GRANT.

Legislative  
Records of the  
Council, xiv.,  
305.

House Jour-  
nal, p. 48.  
*Ante*, p. 377,  
chap. 227.

A PETITION of Cpt. James Grant, Setting forth his great Trouble & Difficulty in building the Truck house at Saco River, in which he spent sixteen months time, for which he has as yet had no Allowance. Praying for an Allowance for the same from this Court.

Read &

*Resolved* that the sum of One hundred Pounds be allowed & paid out of the publick Treasury to Cpt. James Grant in full for his service, time & trouble in building the Truck house at Saco River. [*Passed September 23.*]

## CHAPTER 67.

### ORDER ON THE PETITION OF CPT. LOVEWELLS SOLDIERS, REVIVING A FORMER RESOLVE WITH AN AMENDMENT.

Legislative  
Records of the  
Council, xiv.,  
258, 305.

House Jour-  
nal, pp. 29, 98.  
Annals of the  
Town of Con-  
cord, N. H.,  
pp. 100, 101.  
Boulton's His-  
tory of Con-  
cord, N. H.,  
pp. 223, 224.  
*Ante*, p. 353,  
chap. 160.

A PLAT of a Tract of Land granted by the General Assembly in August 1728, to the Voluntiers that were under Cpt. John Lovewell at Pigwacket Fight &c surveyed by Jonas Houghton, bounded North-erly on the Addition of Land made to Penicook, & every way else by undivided Land: It begins at a white Maple, the South east Corner of said Penicook Addition & runs West 17 Degrees South by the Needle seven miles to a Hemlock; then South 17 Deg. East five Miles & ninety six Perch to a white Pine; then East 17 Deg. North seven miles to a Heap of Stones; then North 17 Deg. West, five miles & ninety six Perch to where it first began; There is allowed one Chain in thirty for uneven Land and Swag of Chain, & seven hundred Acres allowed for Ponds & Rivers.

Read &

*Ordered* that the Lands in this Plan delineated & described be & hereby is confirmed to the Petitioners & their Associates their Heirs & Assigns for ever, Provided it exceeds not the Contents of six miles square, nor interfere with any other or former Grant of this Court. And for the more regular & effectual Settlement of the said Grant, That the Petitioners & their Associates be & hereby are obliged within the space of five years to have actually settled on the Land granted fifty Families; each of which shall within that space build an House of the Bigness of eighteen feet square at the least, & stock with English Grass fit for mowing, or break up & fit for plowing five Acres of Land, Excepting only the Children & Heirs of those Men who were killed in the Fight with the Indian Enemy at Pigwacket (who are Minors) who shall have the Privilege of holding one Lot with proportionable Divisions for each Man who lost his Life as above, they only paying their Proportion of the Charge that has or may arise in settling the Premises: And the Petitioners & their Associates within the space afore said settle a learned orthodox Minister, & build a convenient House for the public Worship of God: And for the accomplishing of these Ends, That David Melvin be impowered to assemble

the Petitioners & their Associates together at their first Meeting, who shall there also act as a Moderator; At which Meeting they shall be sworn well & truly to enter all their Votes & Orders, when they shall also agree upon the future Method & Place of warning & assembling their Meetings; & also at the same first Meeting shall chuse a Committee for surveying, & Ordering the Affairs of the Plantation, & have Power to admit thirteen Men who will actually settle in their own Persons of those that were in Lovewells first March & not in the second; which Committee shall be annually chosen. The Petitioners & their Associates to have Power to raise Money on the Lands granted for defraying the Charges that have or may arise in carrying forward the above said Settlement, & to chuse a suitable Person to collect it, who shall be sworn to the faithful discharge of his Trust, and make up his Accompts with the said Committee.

On the Petition of David Melvin &c in behalf of Cpt. Lovewells Soldiers & the Order of the two Houses thereon

Read &

*Ordered* that this Petition & Vote above be revived with an Amendm<sup>t</sup> viz. after the words (and not in the second) add (giving the Preference to those who were actually with Cpt. Lovewell in the Engagem<sup>t</sup> where he killed the ten Indians.) [*Passed September 23.*]

## CHAPTER 68.

### RESOLVE FOR EMITTING £20,000 IN BILLS OF CREDIT.

*Ordered* that the Treasurer be & hereby is impowered & directed to issue forth & emit the sum of Twenty thousand Pounds in Bills of Credit on this Province for the necessary Support & Defence of this Governm<sup>t</sup> & the Protection & Preservation of the Inhabitants thereof; The said Twenty thousand Pounds being already in his hands & received for Taxes, Impost &c, To be issued & disposed by Warrant under the hand of the Lieuten<sup>t</sup> Governor & Commander in Chief for the time being, with the Advice & Consent of the Council; Nineteen thousand five hundred Pounds, Part thereof shall be applied for the Uses, Intents & Purposes in this Order hereafter express'd; viz, For the Payment of all Grants, Premiums & Stipends established by Law, for the defr[a]ying & paying the Charges of Castle William & the other Forts & Garrisons, Transports, Muster Rolls of Soldiers & Sailors, Allowances &c, & all other Accompts of Charges allowed & pass'd on for Payment by this Court; And that the sum of Five hundred Pounds, being the Residue & remaining part of the said Twenty thousand Pounds shall be allowed for the Payment of Expresses dispatched in the Service of this Governm<sup>t</sup> in the Recess of this Court together with all other necessary & unforeseen Charges that demand prompt Payment, which shall arise in the Recess of the Court as aforesaid; Provided always that the several Draughts made upon the Treasurer as aforesaid express & declare out of which of the two several sums aforementioned the Money is to be paid: And the said Bills shall pass out of the Treasury at the Value therein expressed equivalent to Money, & shall be so taken & accepted in all publick Payments: And the Duties of Impost & Excise together with<sup>1</sup> all other Incomes shall be a Fund & Security for the Payment & Drawing the said Bills into the Treasury again, so far as the same will reach: And it is further

Legislative  
Records of the  
Council, xiv.,  
306.

House Jour-  
nal, pp. 100, 101.  
Province  
Laws, ii., 545.

<sup>1</sup> *Sic*, but "with," in the State Library copy, Legislative Records of the Council, xiv., 351.

*Ordered* that there be & hereby is granted unto his most Excellent Majesty for the Ends & Uses aforesaid & for no other Ends & Uses whatsoever a Tax of Twenty thousand Pounds to be levied upon Polls & Estates both real & personal within this Province according to such rules & in such proportion upon the several Towns & Districts within the same as shall be agreed on & ordered by the Great & General Court or Assembly of this Province at their Session in May One thousand seven hundred & forty, & paid into the Treasury on or before the last day of December next after. [*Passed September 24.*]

## CHAPTER 69.

## ORDER EMPOWERING THE INHABITANTS OF HOPKINTON TO LEVY A TAX OF ONE HALF PENNY PER ACRE ON UNIMPROVED LANDS.

Legislative  
Records of the  
Council, xlv.,  
309.

House Jour-  
nal, p. 47.  
Province  
Laws, x., 450,  
chap. 51.

A PETITION of John Jones Agent for the Town of Hopkinton, Shewing that this Court were pleased formerly to empower the Inhabitants of the said Town to tax the unimproved Lands for the Support of the Ministry there, & the Time allowed for such Tax is now expired, & the said Town being yet unsettled in a great measure, Therefore Praying that they may be further empowered by this Court to lay a Tax of an Halfpenny per Acre on all the unimproved Lands in the said Town, excepting what is in the Hands of the Trustees of M<sup>r</sup> Hopkins's Legacy for five years next coming for the Maintenance of the Ministry there as afore said

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Assessors of Hopkinton be & are hereby empowered to assess the Owners of the unimproved Lands in the Town of Hopkinton (excepting the Lands in the hands of the Trustees of the said Town appropriated for Common) at one Halfpenny per Acre for five years towards defraying the Charge for maintaining the Ministry and other Charges arising in the said Town. [*Passed September 25.*]

## CHAPTER 70.

## RESOLVE ALLOWING £25 TO ROBT WILSON.

Legislative  
Records of the  
Council, xlv.,  
309.

House Jour-  
nal, pp. 99, 102.  
*Ante*, p. 232,  
chap. 34.

A PETITION of Robert Wilson, shewing that about five years since he being a Soldier at Richmond Fort was accidentally wounded in his Leg & has ever since been a Creeple & in a very helpless Condition, And therefore Praying for some Relief from the Compassion of this Court.

Read &

*Resolved* that the sum of Twenty five Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Thomas Cushing to be by him repaid to such Persons as the Petitioner is indebted to for Medicines &c, and for & towards the further Support of the Petitioner and Cure of his Leg. [*Passed September 25.*]



## CHAPTER 71.

VOTE GRANTING 200 ACRES OF LAND TO M<sup>R</sup> BENJ<sup>A</sup> ALLEN.

A PETITION of M<sup>r</sup> Benjamin Allen of Bridgewater Clerk, Shewing that one Ruth Nusuek an Indian Squaw being old & sickly, he supported her for many years in his House at considerable Charge, In requital of which she conveyed to him by Deed a Tract of Land of five miles long & three miles broad lying to the Northward of Brookfield; Most of which Tract as the Petitioner is informed is taken up by Grants of this Court; And therefore Praying that he may be allowed an Equivalent of Land or otherwise relieved.

Legislative  
Records of the  
Council, xiv.,  
310.

House Jour-  
nal, pp. 91, 102,  
103.

Read & In answer to this Petition,

*Voted* that Two hundred Acres of the unappropriated Lands of the Province be & hereby is granted to the Petitioner, & that he do by a Survey<sup>r</sup> & Chain [men]<sup>1</sup> on Oath survey & lay out the same, so as that it doth not prejudice any Tract of Land fit for a Township nor interfere with any former Grant of this Court & return a Plat thereof within twelve months for Confirmation. [*Passed September 25.*]

## CHAPTER 72.

RESOLVE GRANTING STEP. GREENLEAF A NEW TRIAL OF AN ACTION,  
WITH NOTICE.

A PETITION of Stephen Greenleaf of Boston, Shipwright, Shewing that the Petitioner having appealed from the Inferior Court of Common Pleas held at Boston for the County of Suffolk in October last to the Superior Court of Judicature, as to a Judgment given against him in a Cause between him & William & Benjamin Hallowell, the Petitioners Lawyer (in whom he confided) neglected to file his Reasons of Appeal according to the Directions of the Law, by which means his Appeal failed; And therefore Praying that he may be empowered to file his Reasons of Appeal to the next Superior Court for the said County, & that the said Court may be authorized to try his s<sup>d</sup> Appeal accordingly.

Legislative  
Records of the  
Council, xiv.,  
260, 310.

Legislative  
Records of the  
Council, xiv.,  
301. House  
Journal, pp. 91,  
105.

Read &

*Resolved* that the Prayer of the Petition be granted, & that the Petitioner have liberty to bring forward an other Trial of the said Action at the next Superior Court of Judicature, to be holden at Boston for the County of Suffolk on the second Tuesday of February next, he filing his Reasons of Appeal with the Clerk of the Superior Court fourteen days before the Sitting of the said Court, & duly notifying the adverse Party thereof; And that the Justices of the Superior Court be & hereby are empowered & directed to proceed to a Trial of the said Cause, give Judgment therein & award Execution thereupon; Any Law Usage or Custom to the contrary notwithstanding. [*Passed September 25.*]

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 354.

## CHAPTER 73.

## ORDER ON FALMOUTH PETITION.

Legislative  
Records of the  
Council, xiv.,  
310. Miss.  
Archives, vi.,  
494.

Mass.  
Archives, vi.,  
486–490. House  
Journal, p. 106.  
*Ante*, p. 360,  
chap. 177.

ON THE PETITION of the Proprietors of the Town of Falmouth. [*ante*, p. 360, chap. 177]

The within Petition Read and

*Ordered* that the same be Revived, and Referred to the Consideration of the Next sessions of this Court and that the Petitioners Serve the Selectmen of Said Town of Falmouth with a Copy thereof thirty days before the Second Tuesday of Said session that they then shew cause why the the<sup>1</sup> prayer of the Petition should not be Granted. [*Passed September 26.*]

## CHAPTER 74.

## ORDER REVIVING AND CONFIRMING THE VOTE ON THE PLAT OF LAND GRANTED TO WATERTOWN &amp; WESTON.

Legislative  
Records of the  
Council, xiv.,  
311. Maps and  
Plans, Mis.,  
vi., 37.

Maps and  
Plans, Mis.,  
vi., 37 *bis*.  
Legislative  
Records of the  
Council, xiv.,  
213. House  
Journal, p. 105.  
*Ante*, p. 305,  
chap. 19.

ON THE PLAT of Land granted to the Towns of Watertown & Weston & Order of both Houses thereon, As Enter'd April 5. 1729.<sup>2</sup>

Read and

*Ordered* that the Above Vote and Confirmation be and hereby is Revived and the land within described and Delineated in the within Platt be confirmed to the Towns of Watertown and Weston accordingly. [*Passed September 26.*]

## CHAPTER 75.

## VOTE FOR A TOWN MEETING AT BEDFORD.

Legislative  
Records of the  
Council, xiv.,  
311.

House Jour-  
nal, p. 108.

*Voted* that M<sup>r</sup> Jonathan Bacon a principal Inhabitant of the Town of Bedford be & hereby is fully impowered & directed to assemble the Freeholders & other Inhabitants of said Town to convene as soon as may be to elect & chuse Town Officers there, to stand until the next Anniversary Meeting in March. [*Passed September 26.*]

<sup>1</sup> *Sic.*

<sup>2</sup> The words "& Order of . . . 1729" are inserted from the State Library copy, Legislative Records of the Council, xiv., 355. The order of that date did not receive the Governor's consent; hence the present action. The April record, now confirmed, runs as follows:—

"April 5. 1729. A Plat of Two thousand Acres of Land laid out by Cpt. Samuel Wright & two Chain men upon Oath, to fulfill a Grant made by the General Court at their Session in May 1728, to the Towns of Watertown and Weston, as an Equivalent for a Grant made to Watertown in the year 1651, Which Land is bounded as follows; viz, South westerly by the Line of Rutland Township, & every other way by Province Land; Beginning at a Heap of Stones in said Rutland Line, mark'd with W, running North thirty nine Degrees West, Eight hundred & forty rods on said Line, to a Heap of Stones mark'd with W for a Corner; then running East thirty nine Degrees North eighty six rods to a crooked Oak; then running East four Degrees North, One hundred & forty rods to a Heap of stones for a Corner under great Wachusett Hills; then running North forty Deg. East one hundred & sixty rods to a small Walnut Tree with a Heap of stones mark'd with W for a Corner; then running East thirty five Deg. South six hundred fifty four rods to a Heap of Stones by a Brook mark'd with W for a Corner; then running South thirty five Deg. West six hundred rods, Closing on the said Heap of Stones on Rutland Line, where it first began.

Read &

*Ordered* that this Plat be Accepted, & that the Land therein delineated & described be & hereby is confirmed to the Towns of Watertown & Weston, Provided the same exceeds not the Quantity of Two thousand Acres nor interferes with any other or former Grant."

—Legislative Records of the Council, xiv., 213.

## CHAPTER 76.

VOTE ACCEPTING THE TREAS<sup>RS</sup> ACC<sup>T</sup> OF INDIAN TRADE.

AN ACCOMPT presented by Jeremiah Allen Esq<sup>r</sup> Treasurer of Goods bought for the Indian Trade at the several Truck houses, & the Produce of the Furs &c received in the said Trade from the 26<sup>th</sup> of May 1728, to the 28<sup>th</sup> of May 1729, Stock in his Hands Amounting to the sum of £9,587. 16. 6.

Legislative  
Records of the  
Council, xiv.,  
312.  
House Jour-  
nal, p. 108.

The Committee having examined the within Accompt of Trade with the Indians find the same right cast & well vouched, the Ballance thereof amounting to Nine thousand five hundred & eighty seven Pounds sixteen shillings & six pence; Which sum we are of Opinion the Treasurer is further to account for.

This Report read & Accepted. [*Passed September 26.*]

## CHAPTER 77.

VOTE ON THE TREAS<sup>RS</sup> GENERAL ACC<sup>T</sup>.

THE ACCOMPTS of Jeremiah Allen Esq<sup>r</sup> Treasurer & Receiver General of the Province of the Massachusetts Bay in New England, beginning May 31<sup>st</sup> 1728, & ending May 31<sup>st</sup> 1729, Amounting to the sum of One hundred fifty six thousand two hundred & thirty four Pounds three shillings & three pence, having been presented & laid before the House of Represent<sup>ves</sup> & inspected by said House; By which it appears that there was outstanding the thirty first of May 1729, Six thousand eight hundred & seventy eight Pounds seventeen shillings & eleven pence of the Taxes, Eighteen thousand two hundred & eighteen Pounds eleven shillings of the £50,000 Loan, Fifty nine thousand two hundred & fifty eight Pounds ten shillings of the £60,000 Emission granted by the General Court at their Session Novem<sup>r</sup> 1727, Of the first years Interest of the said Emission, One thousand two hundred & twelve Pounds two shillings & eleven pence, & Fifty two thousand seven hundred & seventy six Pounds fifteen shillings & seven pence; Neet Province Bills further to be accounted for;

Legislative  
Records of the  
Council, xiv.,  
313.  
House Jour-  
nal, p. 108.

*Voted* that the said Accompts of the several Articles of Receipts and Payments therein mentioned, Amounting to the sum of Twenty seven thousand eight hundred and eighty nine Pounds five shillings and ten pence be & hereby are allowed; And the said Treasurer is hereby discharged of the said sum of Twenty seven thousand eight hundred and eighty nine Pounds five shillings and ten pence accordingly. [*Passed September 26.*]

## CHAPTER 78.

RESOLVE ON MEMORIAL OF DAN<sup>L</sup> RUSSELL ESQ<sup>R</sup> LEVYING DUTY ON A CARGO OF WINE.

A MEMORIAL of Daniel Russell Esq<sup>r</sup> Commissioner of Impost Setting forth that on the 23<sup>d</sup> Instant; at seven at Night arrived the Sloop Maryland William Livermore Master from Madera with fifty five Pipes of Wine; And about ten a Clock the same Night the Brigantine Thomas and Sarah John Leat Master from said Island, having on board eighty

Legislative  
Records of the  
Council, xiv.,  
313.  
Province  
Laws, ii., 528,  
chap. 3.

one Pipes of Wine anchored above the Light house ; and between eight and nine a Clock in the Morning came up to Boston ; And for as much as the Impost Act is to take its Commencement from the twenty third Instant, but was not published till the twenty fourth at seven a Clock in the Morning, The Memorialist is at a Loss whether the said Cargoes of Wine or either of them are subjected to the Impost laid in the said Act, Praying for the Order of this Court for his Direction.

In the House of Represent<sup>ves</sup> Read, And the Question was put, Whether the Wine refer'd to in this Petition or Memorial of Daniel Russell Esq<sup>r</sup> Commissioner of Impost ought to pay the Duties of Impost?

*Resolved* in the Affirmative: In Council ; Read & Concur'd, so far as relates to the Brigantine Thomas & Sarah only: In the House of Represent<sup>ves</sup> Read & Concur'd.<sup>1</sup> [*Passed September 26.*]

## CHAPTER 79.

### VOTE IMPOWERING THE ASSESSORS OF THE TOWNS OF CHELMSFORD CONCORD & BILLERICA TO ASSESS THE NEW TOWNS OF WESTFORD AND BEDFORD.

Legislative  
Records of the  
Council, xiv.,  
314.

Legislative  
Records of the  
Council, xiv.,  
148. House  
Journal, p. 103.  
Province  
Laws, ii., 528,  
chap. 2. *Ante*,  
p. 384, chap.  
248.

WHEREAS this Court have made two new Towns in the County of Middlesex, one of which is taken out of the Town of Chelmsford called Westford ; & the other partly out of the Town of Concord & partly out of the Town of Billerica, called Bedford, & no Province Tax laid on them ; By means whereof those Towns which they were taken out of will pay more than their just proportions towards the Province Tax this present Year ;

*Resolved* that the Assessors of the Towns of Chelmsford, Concord & Billerica be & hereby are impowered this present Year to assess the Inhabitants & their Estates in the said Towns of Bedford & Westford that did heretofore belong to their respective Towns ; & commit the Lists of such Assessments when perfected to the Collectors or Constables of the said Towns of Westford & Bedford, & make Return thereof to the Province Treasurer, Pursuant to Law ; The Acts for Constituting the said Towns notwithstanding. [*Passed September 26.*]

<sup>1</sup> Not found in the House Journal.

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON  
ON THE NINETEENTH DAY OF NOVEMBER, A.D. 1729.

### CHAPTER 80.

RESOLVE ALLOWING £1,097. 11. 3 FOR THE CHARGE OF THE LATE GOVERN<sup>R</sup>S FUNERAL.

AN ACCOUNT of the Charge of the Funeral of his late Excellency William Burnet Esq<sup>r</sup> Governor of this Province presented by the Committee of this Court appointed to provide for the same Amounting in the whole to the sum of £1,097. 11. 3.

[Read and]

*Resolved* that the sum of One thousand & ninety seven Pounds eleven shillings & three pence be allowed & paid out of the publick Treasury to M<sup>r</sup> Ezekiel Lewis, to be by him paid to the Persons to whom the same is respectively due, in full Discharge thereof. [*Passed November 20.*]

Legislative  
Records of the  
Council, xiv.,  
316.

House Jour-  
nal, pp. 109, 114.  
*Ante*, p. 431,  
chap. 59.

### CHAPTER 81.

RESOLVE ALLOWING £300 FOR A BRIDGE OVER CHARLES RIVER.

A PETITION of the Represent<sup>ves</sup> of the Towns of Cambridge & Lexington Setting forth the decayed State of the great Bridge at Cambridge on Charles River, & the great Charge that Rebuilding or effectual Repairing the said Bridge will amount to, which the Towns of Cambridge Newton & Lexington (upon whom it will wholly ly without Relief from this Court) will not be able to support; And for as much as the Vote for the Loan of Money for this use pass'd by the House in a former Session, was Non Concur'd by the Board, Therefore Praying that this Court would give them such Assistance in this great Work, as in their Goodness they shall judge meet.

Read & In answer to this Petition,

*Resolved* that so soon as the great Bridge over Charles River in the Town of Cambridge be effectually rebuilt with good square Tun Timber & compleatly finished, that the sum of Three hundred Pounds be allowed & paid out of the publick Treasury to the Committee that shall be appointed by the Towns of Cambridge Newton & Lexington to rebuild the same, for & towards defraying the Charge thereof in such proportion as the Towns of Cambridge (including Lexington) & Newton, are already by Law obliged to repair & maintain the said Bridge, Provided that Nothing herein be construed to prevent or hinder the Force of any Clause in the Act made Anno 1699, for or referring to the repairing of the said Bridge from time to time. [*Passed November 21.*]

Legislative  
Records of the  
Council, xiv.,  
317.

Legislative  
Records of the  
Council, xiv.,  
214, 219. House  
Journal, p. 116.  
Province  
Laws, i., 383,  
chap. 11.

## CHAPTER 82.

VOTE ALLOWING LIEUT. JN<sup>o</sup> LARRABEE 9/ PER WEEK FOR VICTUAL-  
LING THE GARRISON AT CASTLE WILLIAM.

Legislative  
Records of the  
Council, xiv.,  
317.

House Jour-  
nal, p. 117.  
*Ante*, p. 301,  
chap. 7.

A PETITION of Lieut.<sup>1</sup> John Larrabee, Shewing that whereas by a Resolve of the General Assembly pass'd the last Year for his Allowance as Victualler of the Garrison at his Majestys Castle William the Court have stated it at eight shillings per Week per Man, Provisions especially Bread Corn being much advanced in its price, & no prospect of its falling, he will be a great Loser without Relief from this Court; And therefore Praying the Allowance of Nine shillings per Week per Man for the last half year & for the future during the Pleasure of this Court.

Read & In answer to this Petition,

*Voted* that the Prayer thereof be so far granted as that the Petitioner be allowed & is hereby impowered to charge nine shillings per Week per Man for victualling the Garrison at Castle William for the last six months & for the six months next ensuing which is One shilling Advance on the last Establishm<sup>t</sup>. [*Passed November 21.*]

## CHAPTER 83.

RESOLVE ALLOWING £1,000 TO Y<sup>E</sup> JUDGES.

Legislative  
Records of the  
Council, xiv.,  
319.

House Jour-  
nal, p. 119.

*Resolved* that the sum of One thousand Pounds be allowed & paid out of the publick Treasury to the Justices of his Majestys Superior Court of Judicature &c in proportion to the Courts they have attended the last Year & half. [*Passed November 22.*]

## CHAPTER 84.

## RESOLVE ALLOWING £210 TO THE SECRETARY.

Legislative  
Records of the  
Council, xiv.,  
319.

House Jour-  
nal, p. 119.

*Resolved* that the sum of Two hundred & ten Pounds be allowed & paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary of this Province for his Service the last year & half, & that the further sum of Ninety Pounds be allowed & paid out of the publick Treasury to the said Josiah Willard in consideration of the publick Affairs at this time calling for sundry things to pass that Office necessarily requiring a more strict Attendance from him to effect those Matters, many of which have no stated Fee or Allowance. [*Passed November 22.*]

<sup>1</sup> The House Journal reads, "Capt."

## CHAPTER 85.

RESOLVE ALLOWING £350 TO THE PRESIDENT OF HARVARD COLLEGE.

*Resolved* that the sum of Three hundred & fifty Pounds be allowed & paid out of the publick Treasury to the Rev<sup>d</sup> M<sup>r</sup> Benjamin Wadsworth, President of Harvard College in Cambridge, to enable him to manage the weighty & important Affairs of that Society the Year Current. [*Passed November 22.*]

Legislative  
Records of the  
Council, xiv.,  
319.

House Jour-  
nal, p. 120.

## CHAPTER 86.

RESOLVE ALLOWING £250 TO THE TREASURER AND A FURTHER SUM OF £100.

*Resolved* that the sum of Two hundred & fifty Pounds be allowed & paid out of the publick Treasury to Jeremiah Allen Esq<sup>r</sup> Treasurer of this Province for his Service the Year past in the Treasury &c, ending the last May Session; & that the further Sum of One hundred Pounds be allowed & paid out of the publick Treasury to the said Jeremiah Allen Esq<sup>r</sup> Treasurer of this Province for his Service the Year past in the Treasury. [*Passed November 24.*]

Legislative  
Records of the  
Council, xiv.,  
319.

House Jour-  
nal, pp. 119, 120.

## CHAPTER 87.

RESOLVE ALLOWING £10 TO MAJOR CHANDLER AS CLERK OF THE HOUSE.

*Resolved* that the sum of Ten Pounds be allowed & paid out of the publick Treasury to Major John Chandler for his Service in officiating as Clerk of the House in the last Session of the Court. [*Passed November 24.*]

Legislative  
Records of the  
Council, xiv.,  
320.

House Jour-  
nal, p. 120.

## CHAPTER 88.

RESOLVE ALLOWING 4/ PER DIEM TO Y<sup>E</sup> SPEAKER.

*Resolved* that there be allowed & paid out of the publick Treasury after the rate of Four shillings per Diem for every day of the several Sessions of this Court since the last Election upon Certificate from the Clerk of the House, to the Hon<sup>ble</sup> John Quincy Esq<sup>r</sup> Speaker in consideration of his constant Application in dispatching the publick Affairs of the Province. [*Passed November 24.*]

Legislative  
Records of the  
Council, xiv.,  
320.

House Jour-  
nal, p. 120.

## CHAPTER 89.

RESOLVE ALLOWING 4/ PER DIEM TO W<sup>M</sup> DUDLEY ESQ<sup>R</sup> LATE SPEAKER.

*Resolved* that there be allowed & paid out of the publick Treasury after the rate of Four shillings per Diem for every day of the Sessions of the General Court after the Arrival of his late Excellency William

Legislative  
Records of the  
Council, xiv.,  
320.

House Jour-  
nal, p. 120.

Burnet Esq<sup>r</sup> till the last May Session upon Certificate from the Clerk of the House to the Hon<sup>ble</sup> William Dudley Esq<sup>r</sup> upon consideration of his constant Application in dispatching the publick Affairs of the Province. [*Passed November 24.*]

## CHAPTER 90.

### RESOLVE ALLOWING £120 TO THE CLERK OF THE HOUSE.

Legislative  
Records of the  
Council, xiv.,  
320.

House Jour-  
nal, p. 120.

*Resolved* that the sum of One hundred & twenty Pounds be allowed & paid out of the publick Treasury to John Wainwright Esq<sup>r</sup> Clerk of the House in full for his Services as Clerk to the End of the present Sessions. [*Passed November 24.*]

## CHAPTER 91.

### RESOLVE ALLOWING £100 TO THE DOOR KEEPER.

Legislative  
Records of the  
Council, xiv.,  
320.

House Jour-  
nal, p. 120.

*Resolved* that the sum of One hundred Pounds be allowed & paid out of the publick Treasury to Richard Hubbard Door Keeper to his Honour the Lienten<sup>t</sup> Governor & this Court in full for his Service the Year Currant which will determine the nineteenth Day of February next. [*Passed November 24.*]

## CHAPTER 92.

### RESOLVE ALLOWING £5 TO M<sup>r</sup> HENRY FLINT CHAPLAIN TO BOTH HOUSES, AT CAMBRIDGE.

Legislative  
Records of the  
Council, xiv.,  
320.

House Jour-  
nal, p. 124.

*Resolved* that the sum of Five Pounds be allowed & paid out of the publick Treasury to Major William Brattle to be by him repaid to the Rev<sup>d</sup> M<sup>r</sup> Henry Flynt for his Officiating as Chaplain to both Houses during the Sitting of the General Court at Cambridge in August & September last. [*Passed November 25.*]

## CHAPTER 93.

### RESOLVE ALLOWING £5 TO M<sup>r</sup> SAM<sup>l</sup> FISK CHAPLAIN AT SALEM.

Legislative  
Records of the  
Council, xiv.,  
320.

House Jour-  
nal, p. 124.

*Resolved* that the sum of Five Pounds be allowed & paid out of the publick Treasury to Benjamin Lynde Jun<sup>r</sup> Esq<sup>r</sup> to be by him repaid to the Rev<sup>d</sup> M<sup>r</sup> Samuel Fisk, for his Officiating as Chaplain to both Houses during the Sitting of the General Court at Salem since the last May Session. [*Passed November 25.*]



## CHAPTER 94.

ORDER DIRECTING THE COMMISS<sup>R</sup> OF IMPOST TO FURNISH NEW SALES  
FOR LIGHT HOUSE BOAT.

A MEMORIAL of Daniel Russell Esq<sup>r</sup> Commissioner of the Impost, Shewing that the Keeper of the Light house informs him that the Sails of the Light house Boat are worn out & that it is necessary to provide a new Suit of Sails, Praying the Direction of this Court thereon.

Legislative  
Records of the  
Council, xiv.,  
321.

House Jour-  
nal, p. 122.

Read &

*Ordered* that the Memorialist be directed to furnish the Light house Boat with a new Suit of Sails, & to be accountable for the old ones.  
[*Passed November 25.*]

## CHAPTER 95.

## RESOLVE ALLOWING £4. 9. 10 TO SAR. STEDMAN.

AN ACCOMPT presented by Sarah Stedman of Cambridge Inn holder of the Expences of divers Committees of the General Court at her House the last Session, Amounting to the sum of £4. 9. 10.

Legislative  
Records of the  
Council, xiv.,  
321.

[Read and]

House Jour-  
nal, p. 122.

*Resolved* that the sum of Four Pounds nine shillings & ten pence be allowed & paid out of the publick Treasury to Major William Brattle to be by him paid to the said Sarah Stedman in full discharge thereof.  
[*Passed November 25.*]

## CHAPTER 96.

## RESOLVE ALLOWING £71. 17. 8 TO THO. FLEET.

AN ACCOMPT presented by Thomas Fleet of the Charge of Paper and Printing the Collection of the Proceedings of the General Court referring to the Support of the Govern<sup>rs</sup> done by Order of the House of Represent<sup>ves</sup> Amounting to the sum of £71. 17. 8.

Legislative  
Records of the  
Council, xiv.,  
321.

[Read and]

House Jour-  
nal, p. 123.

*Resolved* that the sum of Seventy one Pounds seventeen shillings & eight pence be allowed & paid out of the publick Treasury to the within Accomptant Thomas Fleet in full Discharge of the within Accompt. [*Passed November 25.*]

## CHAPTER 97.

## RESOLVE ALLOWING £8 TO BART. GREEN.

AN ACCOMPT presented by Bartholemew Green of Paper & Printing Three hundred of the Reports of Govern<sup>r</sup> Shutes Memorial & Extracts from the Votes of the House by Order of the Govern<sup>r</sup> &c Amounting to the sum of £8.

Legislative  
Records of the  
Council, xiv.,  
321.

[Read and]

House Jour-  
nal, p. 123.

*Resolved* that the sum of Eight Pounds be allowed & paid out of the publick Treasury to the Accomptant Bartholemew Green in full discharge thereof. [*Passed November 25.*]

## CHAPTER 98.

### RESOLVE ALLOWING £81. 5 TO JAMES GRANT.

Legislative  
Records of the  
Council, xiv.,  
322.

House Jour-  
nal, p. 123.

AN ACCO<sup>U</sup>NT presented by Cpt. James Grant of the Service of five Men by him posted at the Truck house on Saco River from the 31<sup>st</sup> of March to the third of June 1729, Amounting to the sum of £81. 5.

[Read and]

*Resolved* that the sum of Eighty one Pounds five shillings be allowed & paid out of the publick Treasury to the Accomptant Cpt. James Grant, to be by him paid to the Persons to whom the same is respectively due in full discharge thereof. [*Passed November 25.*]

## CHAPTER 99.

### VOTE ABOUT THE COUNTY TAX OF WESTFORD & BEDFORD.

Legislative  
Records of the  
Council, xiv.,  
322.

House Jour-  
nal, p. 125.  
*Ante*, p. 440,  
chap. 79.

*Voted* that the Select men or Assessors of the Towns of Chelmsford, Concord & Billerica be & hereby are fully authorized & impowered to levy & assess on the Inhabitants of the new Towns of Westford & Bedford, taken out of the said Towns of Chelmsford, Concord, & Billerica the last Session of this Court their just proportion of the County Tax for this present Year; And the Constables & Collectors of the said Towns are impowered also to collect & receive the same; And the Inhabitants of the said Towns of Westford & Bedford are subjected to the Payment of their proportion of the said Tax, as tho they were not incorporated into Townships; Any Law, Usage or Custom to the Contrary notwithstanding. [*Passed November 26.*]

## CHAPTER 100.

### VOTES IMPOWERING JOS. & JANE ABEL TO SELL LAND IN LITTLE COMPTON.

Legislative  
Records of the  
Council, xiv.,  
322.

House Jour-  
nal, p. 125.

A PETITION of Joseph Abel & Jane Abel Indians, Shewing that the said Joseph hath lately purchased Lands at Assawampset where he now dwells, for which a Judgment is obtained against him, he not being able to pay the Purchase Consideration, And therefore Praying that they may be impowered by this Court to sell a Piece of Land belonging to the Petitioners at Little Compton to pay the said Josephs Debt.

Read &

*Ordered* that the Prayer of the Petition be granted And Thomas Church & Job Almy Esq<sup>rs</sup> & M<sup>r</sup> Edward Shove are desired to see Justice done to the Petitioners in the Sale of their Land at Little Compton, & that what the Petitioner Joseph owes for the Land at Assawampset be paid out of the Proceeds of the Sale; & what remains, if any be, to be for the Use of the Petition<sup>rs</sup>. [*Passed November 26.*]

## CHAPTER 101.

ORDER GRANTING A LICENSE TO JOHN FARROW TO KEEP A TAVERN  
IN FREETOWN.

A PETITION of John Farrow of Freetown in the County of Bristol, Shewing that he has obtained the Approbation of the Select men of the said Town for the keeping an Inn or Tavern there, but has casually lapsed the Time by Law appointed for taking out Licences, And therefore Praying that the Justices of the said County may be empowered at their next General Sessions to grant him a Licence to keep a Tavern at Freetown.

Legislative  
Records of the  
Council, xiv ,  
323.

House Jour-  
nal, p. 126.  
Province  
Laws, ii., 415,  
chap. i.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Justices of the Peace for the County of Bristol be allowed & empowered, if they see cause, at their next General Sessions, to grant a Licence to the Petitioner to keep a Tavern at Freetown in the House within mentioned; The time by Law appointed for granting Licences this present Year being elapsed notwithstanding. [*Passed November 26.*]

## CHAPTER 102.

## RESOLVE ALLOWING £56. 5. 9 FOR REPAIRS AT CASTLE WILLIAM.

AN ACCOUNT presented by Cpt. John Larrabee of sundry Repairs at his Majestys Castle William, Amounting to the sum of £56. 5. 9.

[Read and Accepted, and]

Legislative  
Records of the  
Council, xiv.,  
324.

*Resolved* that the sum of Fifty six Pounds five shillings & nine pence be allowed & paid out of the publick Treasury to Cpt. John Larrabee to be by him repaid to whom the same is respectively due in full discharge thereof. [*Passed November 28.*]

House Jour-  
nal, p. 129.

## CHAPTER 103.

## VOTE GRANTING TO BENJA MUZZY 200 ACRES OF LAND.

A PETITION of Benjamin Muzzy at Sherburn, Shewing that while he was a Soldier in the Service of the Province he was taken Prisoner by the Indians, & endured a long & cruel Captivity among them & narrowly escaped Death, that the Wounds & other Hardships he received from the Enemy has occasioned much Sickness since his Return & a Charge to the Doctor; And therefore Praying for a Grant of Land, or sum of Money out of the Treasury, in consideration of his Sufferings & Losses above mentioned

Legislative  
Records of the  
Council, xiv.,  
324.

House Jour-  
nal, p. 129.

Read & In Answer to this Petition,

*Voted* that Two hundred Acres of the unappropriated Land of this Province be & hereby is given & granted to the Petitioner, & that he be allowed & empowered by a Surveyor & Chain men on Oath to lay out the same, so as that it does not interfere with any other Grant, & that he return a Plan thereof to this Court within twelve months for Confirmation. [*Passed November 28.*]

## CHAPTER 104

## ORDER CONFIRMING LAND TO THE TOWN OF LUNENBURGH.

Legislative  
Records of the  
Council, xiv.,  
324. Maps and  
Plans, Mis.,  
vi., 35.

Mass.  
Archives,  
ccxliii., 30.  
Maps and  
Plans, Mis.,  
vi., 35. House  
Journal, p. 128.  
Province  
Laws, ix., 696,  
chap. 113.  
*Ante*, p. 372,  
chap. 211.

A PETITION of Josiah Willard Esq<sup>r</sup> & others a Committee of the Town of Lunenburgh in the County of Middlesex, Shewing that the Inhabitants have been at the Charge of a new & more exact Survey of the said Town & find thereby that they have Four thousand one hundred & ninety seven Acres of Land within the Limits of their Township above the original Grant of Six miles square, And for as much as they have been at great Charge & Difficulty in their Settlement by reason of the War, Therefore Praying that the Plan of said Town may be accepted & confirmed notwithstanding the said Over measure.

Read and

*Ordered* That the said plann is Accepted, and that the Land therein delineated & described be & hereby is confirmed unto the Grantees of Lunenburgh their heirs and assigns, provided it exceeds not the Contents Set forth in the petition, nor interferes with any other or former Grant. [*Passed November 28.*]

## CHAPTER 105.

RESOLVE ALLOWING £11. 15 TO RICH<sup>d</sup> HUBBARD.

Legislative  
Records of the  
Council, xiv.,  
326.  
House Jour-  
nal, p. 124.

AN ACCOUNT presented by Richard Hubbard Door keeper of Expence in Travel & Subsistence at Salem & Cambridge in the two last Sessions of the General Court, & for removing the Books & Papers belonging to the General Court; Amounting to the sum of £11. 15.

[Read and]

*Resolved* that the sum of Eleven Pounds fifteen shillings be allowed & paid out of the publick Treasury to the Accomptant Richard Hubbard in full discharge thereof. [*Passed December 2.*]

## CHAPTER 106.

RESOLVE ALLOWING PAYMENT ON CASTLE W<sup>m</sup> MUSTER ROLL.

Legislative  
Records of the  
Council, xiv.,  
326.

House Jour-  
nal, pp. 130, 131.

A MUSTER ROLL of the Garrison at his Majestys Castle William under the Command of the Hon<sup>ble</sup> William Dummer Esq<sup>r</sup> Contain<sup>g</sup> an Accompt of Wages due to them for their Service from the 19<sup>th</sup> of May to the 16<sup>th</sup> of November 1729, Amounting to the sum of £495. 1. 2.

[Read and Accepted, and]

*Resolved* that the sum of Four hundred & seventy five Pounds three shillings & two pence be allowed & paid out of the publick Treasury to the Hon<sup>ble</sup> William Dummer Esq<sup>r</sup> & the other Officers and Soldiers born on the within Roll to whom it is respectively due in full discharge of the Wages thereof, Agreeable to the Report of the Committee of the House. [*Passed December 2.*]

## CHAPTER 107.

RESOLVE ALLOWING £213. 5. 9 TO LIEUT JN<sup>o</sup> LARRABEES VICTUALLING  
ACCT<sup>r</sup> AND FURTHER ADVANCING HIM £200.

AN ACCOMPT presented by Lieut.<sup>1</sup> John Larrabee of the Charge of Victualling the Garrison at Castle William from the 19<sup>th</sup> of May to the 16<sup>th</sup> of Novem<sup>r</sup> 1729, Amounting to the sum of £424. 3 Whereof £200 has been advanced to him, Ballance remaining due to the Accomptant being the sum of £224. 3.

Legislative  
Records of the  
Council, xiv.,  
327.

House Jour-  
nal, p. 131.  
*Ante*, p. 469,  
chap. 3.

[Read and Accepted and]

*Resolved* that the sum of Two hundred & thirteen Pounds five shillings & nine pence be allowed & paid out of the publick Treasury to Cpt. John Larrabee in full discharge of the said Accompt (Agreable to the Committees Report ;) And further to enable the said John Larrabee to victual the Garrison at Castle William the six Months Currant, That the sum of Two hundred Pounds be advanced to him, & paid out of the publick Treasury, M<sup>r</sup> Treasurer taking Security of him for his accounting for the said sum. [*Passed December 2.*]

## CHAPTER 108.

ORDER IMPOWERING JOS<sup>a</sup> SPEEN, INDIAN, TO SELL LAND IN NATICK.

A PETITION of Josiah Speen of Natick Indian, Shewing that besides a good Lot of Land which he is possessed of in said Town, & which is under his Improvement, he is entitled to a considerable Quantity of common & undivided Land there, which is of no immediate Benefit, Praying for Liberty from this Court to dispose of so much of his common Right as may be sufficient for building a small House in the English Form for the more comfortable Living of him self and Family.

Legislative  
Records of the  
Council, xiv.,  
327.

House Jour-  
nal, p. 126.

Read &amp;

*Ordered* that the Prayer of the Petition be granted, & Francis Fulham Esq<sup>r</sup> & M<sup>r</sup> Isaac Coolidge are desired & impowered to be assisting to the Petitioner that Justice may be done him in the Sale of the common Land; & that the Produce thereof be well & truly applied for defraying the Charge of building & finishing a House of the Dimentions within mentioned. [*Passed December 2.*]

## CHAPTER 109.

ORDER IMPOWERING HOPKINTON ASSESSORS TO LEVY ONE HALF THE  
TAXES OF SAID TOWN, ON THE UNIMPROVD LANDS THEREIN.

A PETITION of Joseph Byxby & John Brewer, Agents for the Town of Hopkinton, Praying that the Inhabitants may be enabled to assess & levy one half of the Taxes of the said Town for the term of five years in the same manner as was ordered by this Court in the year 1724, the Vote of the Court in August last on their Petition not being extensive enough to answer the said Petition; And that they may be abated the sum of Twenty Pounds added to the Province Tax this Year for their not sending a Representative.

Legislative  
Records of the  
Council, xiv.,  
327.

House Jour-  
nal, p. 132.  
Province  
Laws, x., 450,  
chap. 51.  
*Ante*, p. 436,  
chap. 69.

<sup>1</sup> The House Journal reads, "Capt."

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Assessors of Hopkinton be & hereby are allowed & impowered to levy & assess one Moyety or Half part of the publick Charges of the said Town for the space of five years on the Proprietors of the unimproved Lands in the same manner as was ordered Anno 1724, The Lands lying in the hands of the Trustees of M<sup>r</sup> Edward Hopkins's Legacy excepted; And further, that M<sup>r</sup> Treasurer be & hereby is ordered & directed to reimburse the said Town of Hopkinton the sum of Twenty Pounds (so much being added to their Province Tax the Year Currant on Account of their not sending a Represent<sup>ve</sup>) when & so soon as they have paid the said sum into the Treasury. [*Passed December 2.*]

## CHAPTER 110.

ORDER REFERRING THE PETITION OF THE PROPRIET<sup>RS</sup> & INHAB<sup>T</sup>S OF FALMOUTH TO THE NEXT SESSION.

Legislative  
Records of the  
Council, xiv.,  
330.

House Jour-  
nal, pp. 139, 140.  
*Ante*, p. 438,  
chap. 73.

A PETITION of Samuel Waldo & others in behalf of the ancient Proprietors of the Town of Falmouth, & Samuel Cob Agent for the Inhabitants of said Town, Shewing that there is a good Prospect that the Difference between said Parties will be accomodated, And therefore Praying that the Petition of the Proprietors w<sup>ch</sup> was to be heard this Session may be continued to the next May Session.

Read & In answer to this Petition,

*Ordered* that the Petition within refer'd to be refer'd to the next May Session accordingly. [*Passed December 4.*]

## CHAPTER 111.

RESOLVE ALLOWING PAYMENT OF CPT. JOSEPH HEATHS MUSTER ROLL.

Legislative  
Records of the  
Council, xiv.,  
330.

House Jour-  
nal, p. 141.

A MUSTER ROLL of the Garrison in his Majestys Service at the Fort at Richmond under the Command of Cpt. Joseph Heath Containing an Account of Wages due to them for their Service from the third of July 1728, to the 26<sup>th</sup> of July 1729, Amounting to the sum of £305. 4.

[Read and Accepted, and]

*Resolved* that the sum of Three hundred & five Pounds four shillings be allowed & paid out of the publick Treasury to Cpt. Joseph Heath, to be by him repaid to the Officers & Soldiers to whom it is respectively due in full discharge thereof. [*Passed December 5.*]

## CHAPTER 112.

RESOLVE ALLOWING £6 TO CPT. JOS. HEATH.

Legislative  
Records of the  
Council, xiv.,  
330.

House Jour-  
nal, p. 142.

AN ACCOUNT presented by Cpt. Joseph Heath of Medicines & Attendance for a sick Soldier under his Command at the Fort at Richmond, Amounting to the sum of £6.

[Read and]

*Resolved* that the sum of Six Pounds be allowed & paid out of the publick Treasury to Cpt. Joseph Heath in full discharge of the within Account and Receipt. [*Passed December 5.*]

## CHAPTER 113.

### ORDER APPOINTING A COMMITTEE ON THE PETITION OF THE INHABITANTS OF WOBURN AND READING.

A PETITION of Daniel Pierce, Benjamin Harden & Samuel Walker a Committee appointed by sundry Inhabitants of the North East Part of Woburn & the Westerly Part of Reading, Setting forth the difficulties they are under by reason of their remoteness from the Places of publick Worship in their respective Towns, And Praying to be set off & constituted a distinct Township according to their former Petition to this Court.

In Council Read together with the Answer of the towns of Woburn & Reading, & the Same being duly Consider'd,

*Order'd* that Jona: Dowse & Spencer Phips Esq<sup>rs</sup> with Such as the Hon<sup>ble</sup> House Shall Appoint Be a Committee at the Petition<sup>rs</sup> charge to view the lands petitioned for a Township & to hear the Parties on the affair seasonably notifying the petition<sup>rs</sup> & the Select men of the towns of Woburn & Reading, of the time of their coming, & make report to thes<sup>1</sup> Court at their next session what they shall apprehend proper to be done thereon.

In the House of Representatives

Read & Concur'd, And M<sup>r</sup> John Hobson, Maj<sup>r</sup> Dan: Epes & Cap<sup>t</sup> Jos: Hale are Joyned in the affair. [*Passed December 5.*]

Legislative  
Records of the  
Council, xiv.,  
323, 330. Mass.  
Archives,  
cxlii., 762.

Mass.  
Archives,  
cxlii., 761.  
Legislative  
Records of the  
Council, xiv.,  
233. House  
Journal, p. 143.  
*Infra*, chap.  
114.

## CHAPTER 114.

### ORDER APPOINTING A COMMITTEE ON THE PETITION OF THE INHABITANTS OF THE WEST AND NORTHWEST PARTS OF WOBURN.

A PETITION of Ebenezer Johnson & others a Committee for the Inhabitants of the North west Part of Woburn Shewing their great difficulties in attending upon the publick Worship of God there by reason of their Remoteness from the Meeting house, And therefore Praying that they may be set off a separate Precinct or Township.

In Council; Read &

*Ordered* that Jonathan Dowse & Spencer Phips Esq<sup>rs</sup> with such as shall be appointed by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be a Committee to view the Lands petitioned for a Township, that they hear the Parties hereon, seasonably notifying the Petitioners & the Select men of Woburn of the time of their coming, & that they make report to this Court at their next Session what they judge proper to be done thereon; In the House of Represent<sup>ves</sup> Read & Concur'd, And M<sup>r</sup> John Hobson, Major Daniel Epes & M<sup>r</sup> Joseph Hale are joined in the Affair. [*Passed December 5.*]

Legislative  
Records of the  
Council, xiv.,  
325, 331.

House Jour-  
nal, pp. 143, 144.  
*Supra*, chap.  
113.

## CHAPTER 115.

## VOTE IMPOWERING CHAR. &amp; ALICE WATNAM TO SELL LAND.

Legislative  
Records of the  
Council, xiv.,  
331.

House Jour-  
nal, p. 142.

A PETITION of Charles Watnam of Tetient, Indian, & Alice his Sister Praying Liberty to sell a Piece of Land belonging to them, lying at Tetient, to discharge the Petitioners Debts occasioned by long & expensive Sickness

Read [Accepted] &

*Voted* that the Prayer of the Petition be granted, & that the Petitioners have leave to sell the twenty Acres of Land to the highest Bidder; And that Seth Williams Esq<sup>r</sup> with such as the Hon<sup>ble</sup> Board shall appoint be a Committee, & desired & impowered to see Justice done to the Petitioners in the Sale of the Land, the Proceeds of which to be paid into the Committees Hands, & by them to be repaid in discharge of the Petitioners Debts; the Remainder, if any be, to be supplied the Petitioners as their Necessities require from time to time; And that they render an Accompt of their Doings therein to this Court.<sup>1</sup> [*Passed December 5.*]

## CHAPTER 116.

## ORDER IMPOWERING JACOB CHALCOM TO SELL HIS LAND IN NATICK.

Legislative  
Records of the  
Council, xiv.,  
331.

House Jour-  
nal, p. 141.

A PETITION of Jacob Chalcom of Natick Indian, Praying for Liberty to sell thirty two Acres of Land in said Plaece, the Produce thereof to be applied towards paying for a Purchase of Land he made of one Williams of Natick & defraying the Charge of building him a Dwelling house after the English manner for his more comfortable Living.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petitioner be allowed & impowered to make Sale of the said thirty two Acres of Land accordingly & Francis Fulham Esq<sup>r</sup> & M<sup>r</sup> Eleazar Ellis are desired to be assisting to the Petition<sup>r</sup> in the Sale of the said Land & see that Justice be done him, And that the Proceeds thereof be well & truly applied for the Uses above mentioned. [*Passed December 5.*]

## CHAPTER 117.

## RESOLVE ALLOWING £5. 10 TO JOHN DORRELL.

Legislative  
Records of the  
Council, xiv.,  
332.

House Jour-  
nal, p. 145.

AN ACCOMPT presented by John Dorrell Sheriff of the Charge of serving a special Warrant on Robert Allen<sup>2</sup> with travelling Expences Amounting to the sum of £6. 10.

[Read and Accepted, and]

*Resolved* that the sum of Five Pounds ten shillings be allowed & paid out of the publick Treasury to the Accountant John Dorrell in full discharge thereof. [*Passed December 8.*]

<sup>1</sup> No action by the Council appears in the records except general concurrence.

<sup>2</sup> The House Journal reads, "Of *Shrewsbury* and others to appear before the House."



## CHAPTER 118.

## ORDER OF NOTICE ON MARSHFIELD &amp; SCITUATE INHABITS PETITION TO BE SET OFF.

A PETITION of divers Inhabitants of the Northerly Part of the Town of Marshfield together with some of the Inhabitants of Scituate, Shewing that they live at a great distance from the Places of publick Worship in their respective Towns, so that few of their Families can ever attend there, that they are a sufficient Number to constitute a Precinct & maintain a Minister among them, And therefore Praying that they may be set off from their respective Towns accordingly.

Legislative  
Records of the  
Council, xiv.,  
332.

House Jour-  
nal, p. 146.

Read & In answer to this Petition,

*Ordered* that the Petitioners serve the Towns of Marshfield & Scituate with the Southerly Precinct in Scituate with Copies of the Petition that they shew cause at the next May Session why the Prayer thereof sh<sup>d</sup> not be granted. [*Passed December 9.*]

## CHAPTER 119.

## ORDER IMPOWERING JACOB WATERMAN TO SELL HIS LAND.

A PETITION of Jacob Waterman of Middleborô Indian & Abigail his Wife Praying for Liberty from this Court to sell about twelve Acres of Land belonging to them, & lying in a Place called Assawamset, The Produce thereof to be disposed of for paying their Debts and for purchasing some Cattle for stocking the Land they live on.

Legislative  
Records of the  
Council, xiv.,  
340.

House Jour-  
nal, p. 154.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petitioners be allowed to make Sale of the said Land accordingly for the Uses within mentioned; And Cpt. Isaac Johnson & M<sup>r</sup> Samuel Wood are desired & empowered to see Justice done to the Petitioner in the Sale of the Premises & in the Disposition of the Proceeds thereof. [*Passed December 11.*]

## CHAPTER 120.

## ORDER ON MARTIN VILLAGES PETITION PRAYING FOR AN APPEAL FROM A JUDGMENT AND STAY OF EXECUTION.

A PETITION of Martin Village of Salem Mariner, Praying that he may have a new Trial of his Appeal at the next Superior Court in the County of Essex of a Cause between him & one Faithful Bartlet, referring to an Anchor taken up by the Petitioner in the Harbour of Marblehead, Forasmuch as the Petitioner lost the Cause for want of some Papers in the Cause, which may be had upon an other Trial.

Legislative  
Records of the  
Council, xiv.,  
341.

House Jour-  
nal, p. 155.

Read &

*Ordered* that the Petition<sup>r</sup> serve the said Faithful Bartlet with a Copy of the Petition, that he shew Cause on Wednesday next why the Prayer thereof should not be granted, & that Execution be stayed in the mean Time; Any Law Usage or Custom to the contrary notwithstanding. [*Passed December 11.*]

## CHAPTER 121.

ORDER GRANTING WM ALMY A NEW TRIAL ON AN APPEAL FROM A JUDGMENT WITH A STAY OF EXECUTION.

Legislative  
Records of the  
Council, xiv.,  
341.

House Jour-  
nal, p. 149.

A PETITION of William Almy of Freetown, Praying for Liberty to file his Reasons of Appeal a new at the next Superiour Court for the County of Bristol in a Cause between him & Josiah Briggs of Bristol, The Petitioners Attorney having drawn the Reasons of Appeal to the last Court but died before he signed them.

Read &

*Ordered* that the Prayer of the Petition be so far granted, as that the Petitioner serve the said Josiah Briggs with a Copy of the Petition, that he shew cause on the second Wednesday of the next May Session why the Prayer of the Petition sh<sup>d</sup> not be granted, & that Execution be stayed in the mean time, & that the further Consideration of this Petition be refer'd accordingly; Any Law Usage or Custom to the contrary notwithstanding. [*Passed December 12.*]

## CHAPTER 122.

ORDER OF NOTICE ON EDM<sup>d</sup> HATCH'S PET<sup>con</sup> IN REGARD TO AN ORDER OF COURT FOR THE SALE OF LAND TO PAY DEBTS.

Legislative  
Records of the  
Council, xiv.,  
341.

House Jour-  
nal, p. 156.  
*Ante*, p. 386,  
chap. 251.

A PETITION of Edmund Hatch, eldest Son of Josiah Hatch Dec<sup>d</sup> Shewing that his Father died while he was a Minor, his Mother administering upon his Estate, that she afterwards married to John Cowing Jun<sup>r</sup> who by false & unjust Accompts has brought the real Estate so far in debt as to obtain an Order of the Superior Court for selling it to pay the Debts, so that the whole is in a manner swallowed up; the said Cowing having gotten a Deed thereof to the great wrong of the Petitioner, Praying for Relief.

Read &

*Ordered* that the Petitioner serve the adverse Party with a Copy of the Petition that he shew cause on the second Wednesday of the next May Session, why [the Prayer]<sup>1</sup> thereof should not be granted. [*Passed December 12.*]

## CHAPTER 123.

ORDER ON THE PETITION OF DIVERS INHABITANTS OF KITTELY TO BE MADE A SEPARATE PRECINCT.

Legislative  
Records of the  
Council, xiv.,  
342.

House Jour-  
nal, pp. 157, 158.

A PETITION of Joseph Hill, Abner Cole & others Inhabitants of the middle Part of Kittery belonging to both Parishes, Setting forth their great Difficulties in attending upon the publick Worship of God in the respective Meeting houses, that they are a sufficient Number to constitute a separate Precinct, & conveniently situated for that purpose, And therefore Praying to be made a distinct Precinct, & that the Ministers in the several Precincts may be supported by a general Tax on all the Inhabitants of the said Town, or otherwise as this Court shall judge best.

Read &

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 392.

*Ordered* that the Petitioners serve the Town of Kittery with a Copy of this Petition that they shew Cause on the first Tuesday of the next Session why the Prayer thereof sh<sup>d</sup> not be granted. [*Passed December 12.*]

## CHAPTER 124.

ORDER REFERRING TO THE NEXT SESSION A PETITION OF THE SELECT MEN OF MARLBORÔ FOR ANNEXING LANDS.

A PETITION of the Select men of Marlborô (by Order of the said Town) & of John Johnson & Nathaniel Este Inhabitants of a Farm adjoining to the said Town which was granted to M<sup>r</sup> Stephen Day in the year 1647, Praying that the said Lands with the Inhabitants may be absolutely annexed to the Town of Marlborô & made a Part thereof.

Legislative  
Records of the  
Council, xiv.,  
342.

House Jour-  
nal, p. 158.  
*Infra*, chap.  
125.

Read &

*Ordered* that this Petition be refer'd to the next Session for further Consideration; & that in the mean time the Petitioners serve the Town of Stow with a Copy thereof, that they shew Cause, why the Prayer thereof should not be granted. [*Passed December 12.*]

## CHAPTER 125.

RESOLVE REFERING TO THE NEXT SESSION THE STOW PETITION FOR ANNEXING LAND.

A PETITION of John Whitman Esq<sup>r</sup> & Ebenezer Graves Praying that the Farm granted by the General Court in the year of 1647, to M<sup>r</sup> Stephen Day may be annexed to the Town of Stow, they being a Committee of the said Town appointed to apply for the same.

Legislative  
Records of the  
Council, xiv.,  
342.

House Jour-  
nal, p. 158.  
*Supra*, chap.  
124.

Read & Refer'd to the next Session for further Consideration. [*Passed December 12.*]

## CHAPTER 126.

ORDER ALLOWING £18. 11. 6 TO COLL. JN<sup>o</sup> CHANDLER TO BE PAID BY THE TOWNS OF BROOKFIELD AND LEICESTER.

AN ACCOMPT presented by Coll. John Chandler in behalf of the Committee appointed to State the Line of Division between Brookfield & Leicester of the Charge of the Work, Amounting to the sum of £18. 11. 6.

Legislative  
Records of the  
Council, xiv.,  
342.

[Read and]

*Ordered* that this Accompt be allowed & that it be paid by the Towns of Brookfield & Leicester in equal parts to John Chandler Esq<sup>r</sup> to be by him paid to whom it is due in full discharge thereof. [*Passed December 12.*]

House Jour-  
nal, pp. 154, 155.  
*Ante*, p. 256,  
chap. 90.

## CHAPTER 127.

ORDER GRANTING TO BENJA INGOLLS A LICENCE TO KEEP A TAVERN IN FALMOUTH.

Legislative  
Records of the  
Council, xiv.,  
343.

House Jour-  
nal, p. 158.  
Province  
Laws, ii., 415,  
chap. 1.

A PETITION of Benjamin Ingolls<sup>1</sup> of Falmouth in the County of York Shewing that he obtained the Approbation of the Select men of the said Town for keeping a Tavern in the said Town, but thro' Sickness was prevented from attending the Justices of the said County for taking out his Licence at the time appointed by Law; And therefore Praying that the Justices may be impowered at their next Court of General Sessions of the Peace to grant the Petitioner a Licence to keep a Tavern in Falmouth.

Read &

*Ordered* that the Justices of the Peace for the County of York be & hereby are impowered, if they see cause, to grant a Licence to the Petitioner to keep a Tavern at Falmouth: The Time by Law appointed for granting Licences this present Year being elapsed notwithstanding. [*Passed December 12.*]

## CHAPTER 128.

ORDER ALLOWING JOHN COWING'S PETITION FOR RELIEF FROM DEBT.

Legislative  
Records of the  
Council, xiv.,  
344.

House Jour-  
nal, p. 159.  
Province  
Laws, ii., 461,  
chap. 9. *Ante*,  
p. 434, chap.  
122.

A PETITION of John Cowing of Rochester a Prisoner for Debt, Setting forth that he has no Estate in the World, & has offered him self to be sworn according to Law for his Discharge, but the Justices of the County of Plymouth have refused to admit him to his Oath, by which means he has lain a long time in the Goal of the said County, having nothing to subsist him self & that he is in danger of perishing for want of the Necessaries of Life, Praying for Relief from this Court by an Order to the Justices to admit him to his Oath that so he may be discharged.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Justices of the Peace in the County of Plymouth at their next General Sessions be directed to administer to the Petitioner the Oath by Law appointed for poor Prisoners for Debt unless it appears by legal Evidence that the Petitioner has conveyed his Estate with design to defraud the Creditors. [*Passed December 13.*]

## CHAPTER 129.

RESOLVE ALLOWING £50 TO ELISHA COOK ESQ<sup>R</sup>.

Legislative  
Records of the  
Council, xiv.,  
345.

House Jour-  
nal, p. 167.

*Resolved* that the sum of Fifty Pounds be allowed & paid out of the publick Treasury to Elisha Cook Esq<sup>r</sup> in consideration of his Service in taking Care of the Repairs of the Province House. [*Passed December 16.*]

<sup>1</sup> The House Journal reads, "*Ingersol*."

## CHAPTER 130.

ORDER IMPOWERING JN<sup>O</sup> SPEEN AN INDIAN TO SELL HIS LAND.

A PETITION of John Speen of Natick Indian & Hannah his Wife, Praying for Liberty for selling some of their common Lands in said Place in order to their building an House after the English Form for the more comfortable Subsistence for them selves & Family & that some proper Person be appointed to see that Justice be done them in the Sale, & that the Money be disposed of accordingly.

Read &

*Ordered* that the Prayer of the Petition be granted, And the Petitioners are allowed & impowered to make Sale of so much of their common Lands; The Proceeds thereof to be well & truly applied to the Uses within mentioned; & Francis Fulham Esq<sup>r</sup> & M<sup>r</sup> Isaac Coolidge are desired to see Justice done to the Petitioners in the Sale of the Land, & that the Proceeds be applied according to the Prayer of the Petition. [*Passed December 17.*]

Legislative  
Records of the  
Council, xiv.,  
351.

House Jour-  
nal, p. 179.

## CHAPTER 131.

## RESOLVE ALLOWING £5. 10 TO JOS. MARION.

AN ACCOMPT presented by M<sup>r</sup> Joseph Marion of Writing by him done for the Publick, Amounting to the sum of £5. 10.

[Read and]

*Resolved* that the sum of Five Pounds ten shillings be allowed & paid out of the publick Treasury to the Accomptant Joseph Marion in full discharge thereof. [*Passed December 17.*]

Legislative  
Records of the  
Council, xiv.,  
351.

House Jour-  
nal, p. 145.

## CHAPTER 132.

## RESOLVE ALLOWING PAYMENT OF CPT. THO. SMITHS MUSTER ROLL.

A MUSTER ROLL of the Garrison in his Majestys Service at the Truck house on Saco River under the Command of Cpt. Thomas Smith, Containing an Accompt of Wages due to them for their Service from the 20<sup>th</sup> of August to the 9<sup>th</sup> of December 1729, Amounting to the sum of £112. 10. 4.

[Read and Accepted, and]

*Resolved* that the sum of One hundred & twelve Pounds ten shillings & four pence be allowed & paid out of the publick Treasury to Cpt. Thomas Smith to be by him repaid to the Officers & Soldiers born on this Roll to whom the same is respectively due in full discharge thereof. [*Passed December 19.*]

Legislative  
Records of the  
Council, xiv.,  
353.

House Jour-  
nal, pp. 178, 179.

## CHAPTER 133.

RESOLVE ALLOWING £10. 10 TO THE BOSTON CONSTABLES AND CLERKS.

Legislative  
Records of the  
Council, xiv.,  
353.

House Jour-  
nal, p. 179.

A PETITION of the Constables & Clerks of the Military Companies within the Town of Boston, Shewing that, conformable to the Direction of the House of Represent<sup>ves</sup> they have carefully visited & examined the several Families in the said Town several times in order to discover the Houses where the Small Pox may be, & have reported thereon; And therefore Praying for such Allowance for their Time & Service as this Court shall judge meet.

Read & In answer to this Petition,

*Resolved* that the sum of Ten Pounds ten shillings be allowed & paid out of the publick Treasury to the Petitioners in equal proportion; being five shillings per Diem per Man in full for their Services. [*Passed December 19.*]

## CHAPTER 134.

ORDER ACCEPTING PLAN OF, AND CONFIRMING 500 ACRES OF LAND TO MAJOR THOMPSONS HEIRS.

Legislative  
Records of the  
Council, xiv.,  
353. Maps and  
Plans, Mis.,  
vi., 36.

Maps and  
Plans, Mis.,  
vi., 36. House  
Journal, p. 131.  
*Ante*, p. 286,  
chap. 166.

A PLAN of Five hundred Acres of Land surveyed by Order of the General Court by William Chandler, to fulfill a Grant of the General Court made in the Year 1683, of Five hundred Acres of Land to Major Thomson & his Heirs lying to the Southward of & near adjoining to Oxford Village.

Read and

*Ordered* That this Plann be accepted, and that the Land therein delineated & described be & hereby is conveyed & Confirmed unto the lawfull heirs & Assigns of the said Maj<sup>r</sup> Thompson deceased, in Satisfaction of the Grant within mentioned provided it exceeds not the Quantity of Five hundred Acres, nor does interfere with any other or former Grant of this Court. [*Passed December 19.*]

## CHAPTER 135.

ORDER IMPOWERING BENJ<sup>A</sup> TRAY TO MAKE AN EXCHANGE OF LAND.

Legislative  
Records of the  
Council, xiv.,  
354.

House Jour-  
nal, pp. 183, 184.

A PETITION of Benjamin Tray of Natick Indian Shewing that he has an opportunity of exchanging a Parcel of wild & unimproved Land being a common Right in Natick, for a good House & forty one Acres of Land; one half of which is within fence & under Improvem<sup>t</sup> & two Acres of wild & Meadow Bottom, w<sup>ch</sup> Land is owned by John Goodenough of Needham, Praying for Liberty from this Court to make the said Exchange.

Read &

*Ordered* that the Prayer of the Petition be granted, & that Francis Fulham Esq<sup>r</sup> & M<sup>r</sup> Isaac Coolidge be desired & impowered to see Justice done to the Petitioner in the Exchange accordingly. [*Passed December 19.*]

## CHAPTER 136.

## RESOLVE ALLOWING £4 TO JOSIAH JOHNSON.

A PETITION of Josiah Johnson of Woburn Shewing that whereas he was wounded by the Indian Enemy in the Fight at Pigwacket under Cpt. Lovewell, for which he has already had several Allowances from this Court, his Wounds still continue open, whereby he is disabled from labouring for his own Support, Therefore Praying (besides the settled Stipend out of the Treasury of Twelve Pounds a year, which the Court have been pleased to grant him) for an additional Allowance for four Months before the said Stipend commenced.

Legislative  
Records of the  
Council, xiv.,  
354.

House Jour-  
nal, p. 179.  
*Ante*, p. 351,  
chap. 148.

Read &

*Resolved* that the sum of Four Pounds be allowed & paid out of the publick Treasury to the Petitioner Josiah Johnson for four Months; viz, from January last, for which he has had no Allowance. [*Passed December 19.*]

## CHAPTER 137.

## ORDER OF NOTICE ON SUSANNAH HARRIS'S PETITION A FORMER ORDER NOT HAVING BEEN SERVED.

A PETITION of Susannah Harris, Shewing that whereas the Court were pleased to order upon her Petition, [*ante*, p. 388, chap. 257] that the adverse Party should be served with a Copy thereof, through some mistake, the Service was omitted & now Praying for Relief from this Court as to the Difficulties set forth in the said Petition.

Legislative  
Records of the  
Council, xiv.,  
354.

House Jour-  
nal, p. 169.  
*Ante*, p. 388,  
chap. 257.

Read &

*Ordered* that the Petitioner serve the adverse Party, viz, Mary Welch, Elisabeth Dutch & Hannah Palfrey with a Copy of the Petition presented in April, that they shew cause, on the first Thursday of the next Session why the Prayer thereof should not be granted. [*Passed December 19.*]

## CHAPTER 138.

## ORDER REFERING THE PETITION OF THO. RICHARDSON AND OTHERS OF SUNCOOK TO THE NEXT MAY SESSION.

A PETITION of Thomas Richardson & others, Shewing that whereas this Court were pleased to grant a Tract of Land for a Township at a Place called Suncook to David Melvil & others, & impowered the said Melvil to call a Meeting of the Grantees in order to their carrying on the Settlement of the said Place, & a Meeting was accordingly called & convened at Chelmsford on the tenth Instant, & a Clerk & Committee were then chosen, the Proceedings were very irregular & unwarrantable, many Persons voting who were no ways qualified, being only such as had purchased of the Grantees, by w<sup>ch</sup> means the good Design of the Court in that Grant is like to be defeated; And therefore Praying that the Proceedings of the Meeting of the tenth Instant may be declared to be null & void.

Legislative  
Records of the  
Council, xiv.,  
356.

House Jour-  
nal, p. 184.  
*Ante*, p. 434,  
chap. 67.

Read &

*Ordered* that [this]<sup>1</sup> Petition be refer'd to the next May Session for

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 409.

further Consideration, & that in the mean time the Petitioners serve the Moderator & Committee within mentioned with a Copy thereof, that they then shew cause why the Prayer thereof should not be granted, & that in the mean time no further Proceedings be had in Pursuance of the Votes of that Meeting. [*Passed December 19.*]

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## CHAPTER 139.

### VOTE ABOUT LAND GRANTS TO NARRAGANSETT SOLDIERS.

Legislative  
Records of the  
Council, xiv.,  
358. Mass.  
Archives, cxv.,  
761.

Mass.  
Archives, cxv.,  
760. House  
Journal, p. 178.  
*Ante*, p. 335,  
chap. 277.

A List taken by a Committee of the House of Represent<sup>ves</sup> of the Claimers of the Land granted by this Court to the Officers & Soldiers that were in the Narraganset War & their legal Representatives.

Read and excepted and

*Voted* that the said Tracts of land be granted To the persons Contained in the within written List and that the said Claimers or Grantees meet att Boston If the small pox be be<sup>1</sup> not their if it be then at Cambridge on the first Wensday of June Next Ensuing Then and their to Choose A Committee for ordering Their Affairs and to do other things Needfull for selling<sup>2</sup> said tracts of land pursuant to the Resolve of this court In their session In June 1720<sup>3</sup> And that publick Notifications be given by order of this court that they Meet by them selves or Agents Accordingly. [*Passed December 19.*<sup>4</sup>]

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## CHAPTER 140.

### RESOLVE ALLOWING £51. 11. 1 TO BENJ<sup>A</sup> ELLIOT.

Legislative  
Records of the  
Council, xiv.,  
356.

House Jour-  
nal, p. 188.

Two ACCOMPTS presented by M<sup>r</sup> Benjamin Elliot of Laws supplied the Towns & the Members of the General Court. Stationers Wares for the Council & House of Represent<sup>ves</sup> &c, and Stationers Wares for the Sec<sup>r</sup>etarys Office, Amounting in the whole to the sum of £51. 11. 1.

[Read and Accepted, and]

*Resolved* that the sum of Fifty one Pounds eleven shillings & one peny be allowed & paid out of the publick Treasury to the Accomptant M<sup>r</sup> Benjamin Elliot in full discharge thereof. [*Passed December 20.*]

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## CHAPTER 141.

### RESOLVE ALLOWING PAYMENT ON CPT. JAMES WOODSIDES MUSTER ROLL.

Legislative  
Records of the  
Council, xiv.,  
356.

House Jour-  
nal, p. 155.

A MUSTER ROLL of the Garrison in his Majestys Service at Fort Mary at Winter Harbour under the Command of Cpt. James Woodside Containing an Accompt of Wages due to them for their Service from the 15<sup>th</sup> of April to the 5<sup>th</sup> of Decem<sup>r</sup> 1729, Amounting to the sum of £190. 14. 10.

[Read and Accepted, and]

<sup>1</sup> *Sic.*

<sup>2</sup> "Settling," in Legislative Records of the Council and the House Journal.

<sup>3</sup> "1728," in Legislative Records of the Council and the House Journal. The true date is June 15, 1728. See *ante*, p. 325, chap. 71.

<sup>4</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 20.



*Resolved* that the sum of One hundred & eighty four Pounds eighteen shillings be allowed & paid out of the publick Treasury to the Officers & Soldiers born on the within Roll to whom the same is due in full discharge thereof, Agreeable to the Committees Report. [*Passed December 20.*]

## CHAPTER 142.

RESOLVE ALLOWING 32/6 TO CPT. JAS. WOODSIDE.

AN ACCOMPT presented by Cpt. James Woodside of Disbursements for the Service at Fort Mary, Amounting to the sum of £1. 12. 6.  
[Read and Accepted, and]

Legislative  
Records of the  
Council, xiv.,  
357.

*Resolved* that the sum of Thirty two shillings & six pence be allowed & paid out of the publick Treasury to Cpt. James Woodside in full discharge thereof. [*Passed December 20.*]

House Jour-  
nal, p. 155.

## CHAPTER 143.

RESOLVE ALLOWING £48. 8 TO THO<sup>S</sup> FLEET.

AN ACCOMPT presented by Thomas Fleet of Paper & Printing the Votes of the House of Representatives from the last May Session to the end of the Session in August, Amounting to the sum of £48. 8.

Legislative  
Records of the  
Council, xiv.,  
357.

[Read and]

*Resolved* that the sum of Forty eight Pounds eight shillings be allowed & paid out of the publick Treasury to the the<sup>1</sup> Accomptant Thomas Fleet in full discharge thereof. [*Passed December 20.*]

House Jour-  
nal, p. 168.

## CHAPTER 144.

RESOLVE ALLOWING £13. 5 TO BENJ<sup>A</sup> ROLFE.

AN ACCOMPT presented by Benjamin Rolfe of Writing done for the Governm<sup>t</sup> from March last to this time, Amounting to the sum of £13. 15.

Legislative  
Records of the  
Council, xiv.,  
357.

[Read and]

*Resolved* that the sum of Thirteen Pounds five shillings be allowed & paid out of the publick Treasury to the Accomptant Benjamin Rolfe in full discharge thereof.<sup>2</sup> [*Passed December 20.*]

## CHAPTER 145.

RESOLVE ALLOWING £6 TO M<sup>R</sup> CHECKLEY.

*Resolved* that the sum of Six Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Samuel Welles, to be by him repaid to the Rev<sup>d</sup> M<sup>r</sup> Samuel Checkley for his officiating as Chaplain to both Houses the present Session. [*Passed December 20.*]

Legislative  
Records of the  
Council, xiv.,  
357.

House Jour-  
nal, p. 194.

<sup>1</sup> *Sic.*

<sup>2</sup> Not found in the House Journal.

## CHAPTER 146.

ORDER ALLOWING £25. 13. 3 TO REBECCA HOLMES.

Legislative  
Records of the  
Council, xiv.,  
357.

House Jour-  
nal, p. 194.

AN ACCOMPT presented by Rebecca Holmes of the Expences of sundry Committees at her House, Amounting to the sum of £25. 13. 3.

Read &

*Ordered* that this Accompt be accepted & that the sum of Twenty five Pounds thirteen shillings & three pence be allowed & paid out of the publick Treasury to Rebecca Holmes in full discharge thereof. [*Passed December 20.*]

## CHAPTER 147.

VOTE REFERRING THE PETITION OF THE INHAB<sup>TS</sup> OF HOUSATANUCK TO THE NEXT MAY SESSION.

Legislative  
Records of the  
Council, xiv.,  
358.

Legislative  
Records of the  
Council, xiv.,  
103. House  
Journal, p. 189.  
Province  
Laws, x., 189,  
chap. 82.  
*Ante*, p. 276,  
chap. 140.

A PETITION of Matthew Noble & a considerable Number of others Inhabitants on the Lands on Housatonuck River Setting forth their great Difficulty in that they have not the Enjoyment of the Gospel Ministry among them, many of the Grantees of the said Lands not being settled upon their Lots & the Petitioners not being formed into a Township, they cannot oblige those that are settled there to pay their Proportion towards the Maintene<sup>e</sup> of the Ministry among them, besides they are at so great a distance from any Town that they cannot have the least benefit from the Ministry in any other Place, Praying for Relief from this Court.

Read &

*Voted* that M<sup>r</sup> Gun serve the Committee for bringing forward the said Township with a Copy of this Petition that they be & hereby are ordered & directed to lay before this Court an Account of their Managem<sup>ts</sup> & Proceedings hitherto in the Settlement of the said lower Town on the second Thursday of the next May Session of this Court. [*Passed December 20.*]

## CHAPTER 148.

VOTE CREATING THE INHABITANTS OF THE WESTERLY PART OF DEDHAM, A PRECINCT.

Legislative  
Records of the  
Council, xiv.,  
358.

Legislative  
Records of the  
Council, xiv.,  
231, 254, 323, 339.  
House Jour-  
nal, p. 13  
(June, 1729);  
pp. 188, 189;  
*Ante*, p. 368,  
chap. 197.

A PETITION of Jonathan Batlee & others Inhabitants of the Westerly Part of the Town of Dedham, Setting forth that the Inhabitants of said Town at a legal Meeting have voted that the Petitioners with their Estates should be set off from the Charge of supporting the Ministry in the said Town & that they sh<sup>d</sup> be made a distinct Precinct, But forasmuch as the Petitioners are not able to support a Minister by them selves, & have the benefit of it at Natick & other neighbouring Towns, And therefore Praying that they may be made a distinct Precinct but so as not to maintain a Minister among them.

The Committee having considered the within Petition of Jonathan Batlee & others Inhabitants of the Westerly Part of Dedham are of Opinion that the Persons therein named, together with others mentioned in the Schedule hereto annexed be freed from the Ministers Rate in Dedham during the Pleasure of this Court, & that Samuel

Chickering & twelve others named in said Schedule, who usually attend the Worship of God at Medfield & Ralph Day & four others who attend the publick Worship at Needham be obliged to pay their proportionable Part towards the Support of the Ministry in the Towns of Medfield & Needham respectively to be assessed & levied on their Polls & Estates in the same manner as the Ministers Rates are raised & levied on the Inhabitants of the Town they respectively attend as afore said by the Select men or Assessors of each of the said Towns, & collected & brought in by the Constables or Collectors of each Town accordingly And that Eleazar Ellis & thirteen others who usually attend the publick Worship at Natick be obliged to pay to the support of the Ministry there in the same proportion with the other Inhabitants of Dedham, & be accordingly taxed with the rest of the Town of Dedham in the Ministers Rates & collected by the Collectors or Constables or some or one of them; which said Collectors shall from time to time (during the Pleasure of this Court as afores<sup>d</sup>) pay the several sums so assessed & collected to the Minister of Natick; Provided that all such who do or shall live within the Bounds or Limits of the Lands set off by the Town of Dedham be & hereby are exempted or freed from Paying to the said Town. (Sign'd) THO. CUSHING per Order.

Read [and Accepted and thereupon]

Voted that this Report be accepted. [*Passed December 20.*]

## CHAPTER 149.

ORDER REFERRING A BILL FOR RETRIEVING THE VALUE OF Y<sup>E</sup> BILLS OF CREDIT TO THE NEXT SESSION.

IN THE HOUSE OF REPRESENT<sup>YES</sup> A Bill entitled An Act for retrieving & ascertaining the Value of the Bills of Credit on this Province<sup>1</sup> Read a second time &

*Ordered* that the Bill be printed with the Amendments now made; And that the further Consideration thereof be refer'd to the next Session of the Court; & that in the mean time M<sup>r</sup> Cook, M<sup>r</sup> Welles & M<sup>r</sup> Lewis with such as the Hon<sup>ble</sup> Board shall appoint be a Committee to take Subscriptions of such Gentlemen as are willing to subscribe as Undertakers in that Affair, that they then report to the Court thereon.

In Council; Read & Concur'd; And Thomas Hutchinson & Adam Winthrop Esq<sup>rs</sup> are joined in the Affair. [*Passed December 20.*]

Legislative  
Records of the  
Council, xiv.,  
361.

Legislative  
Records of the  
Council, xiv.,  
315, 318, 343.  
House Jour-  
nal, pp. 163, 193.

## CHAPTER 150.

ORDER ALLOWING £16 TO MAJOR JN<sup>O</sup> QUINCY.

AN ACCOUNT presented by Major John Quincy of his Receipts & Disbursements as Trustee for the Indians of Puncapang from Decem<sup>r</sup> 1726, to Decem<sup>r</sup> 1729, the Time ordered by the General Court for passing his said Account.

Read &

*Ordered* that this Account be accepted, & that the Accomptant John Quincy be & hereby is allowed the sum of Twenty Pounds for his Time & Trouble in taking Care of the Indians; which he is to pay him self out of their Interest Money which he has or shall have in his hands. [*Passed December 20.*]

Legislative  
Records of the  
Council, xiv.,  
361.

House Jour-  
nal, p. 193.  
*Ante*, p. 113,  
chap. 295.

<sup>1</sup> No further progress of this bill is recorded.

## CHAPTER 151.

RESOLVE ALLOWING CPT. THO. SMITH £20 FOR REPAIRS TO THE BLOCK HOUSE AT SACO RIVER AND A FURTHER SUM OF £30 TO FINISH A BRIDGE.

Legislative  
Records of the  
Council, xiv.,  
362.

House Jour-  
nal, pp. 187, 188.  
*Ante*, p. 337,  
chap. 283.

A MEMORIAL of Cpt. Thomas Smith, Truck master & Commander of the Truck house on Saco River Representing that the Truck house is so much unfinished as to be incapable of entertaining the Garrison or securing the publick Stores as also that the Bridge over Swan Pond Creek is fallen down by reason of which & the Miriness of the Road it is very difficult if not impossible to transport the Stores by Land thither, Praying that this Court would give effectual Orders for finishing the said Truck house & repairing the said Bridge & mending the Road.

The Committee having considered the above Memorial are of Opinion that the lower Flower<sup>1</sup> in the Block house, be doubled, that necessary Partitions with Boards & Battins be made in the lower Room, that the Chamber Floors be made with good rough Boards grooved or ploughed, the Chimneys be carried up & that one small one be added, that the Bastions & Watch Boxes be finished, that the Bridge over Swan Pond Creek be rebuilt & made substantial; & that the Road between the Bridge & Truck house be repaired, That a Yard or Parade before said House of eighteen feet long & twenty six feet wide be fenced with square Timber of eight or ten Inches; And that Cpt. Smith be desired to effect the said Work, & lay an Accompt thereof before the Court; And the sum of Fifty Pounds be advanced to him to begin the said Work.

In behalf of the Committee THO. CRISING.

Read & Accepted so far as the Memorialist be impowered & directed to see that the Block house & Parade be compleated & finished agreeable to the above Report; And to enable him herein.

*Resolved* that the sum of Twenty Pounds be advanced & paid to him out of the publick Treasury, & that he lay an Accompt of effecting the Work before the Court: And that M<sup>r</sup> Richard Milberry be desired & impowered to agree with some suitable Person to rebuild & substantially finish the Bridge over Swan Pond Creek; And to enable him herein,

*Resolved* that the sum of Thirty Pounds be advanced to him out of the publick Treasury, And that an Accompt of the Charge be laid before the Court. [*Passed December 20.*]

<sup>1</sup> *Sic.*

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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1730.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1730.

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THE HONORABLE WILLIAM DUMMER, ESQ., LIEUT. GOVERNOR,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC., [*until May 30, 1730*].

THE HONORABLE WILLIAM TAILER, ESQ., LIEUT. GOVERNOR,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC., [*from June 30, until August 3, 1730*].

HIS EXCELLENCY JONATHAN BELCHER,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC., [*from August 14, 1730*].

JOSIAH WILLARD, ESQ.,  
SECRETARY OF THE PROVINCE.

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## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

BENJAMIN LYNDE	}	ESQRS.
THOMAS HUTCHINSON		
SAMUEL BROWN		
THOMAS FITCH		
JONATHAN DOWSE		
SAMUEL THAXTER		
JOHN TURNER		
DANIEL OLIVER		
SYMONDS EPES		

THOMAS PALMER	}	ESQRS.
JOHN CHANDLER		
TIMOTHY LINDALL		
CHARLES CHAMBERS		
THEOPHILUS BURRILL		
WILLIAM DUDLEY		
JONATHAN REMINGTON		
WILLIAM CLARK		
JOHN ALFORD		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;*

ISAAC WINSLOW	}	ESQRS.
MELETIAH BOURN		

PETER THATCHER	}	ESQRS.
SETH WILLIAMS		

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Mayne;*

JOHN WHEELWRIGHT, WILLIAM PEPPERIL, JUNIOR, & TIMOTHY GERRISH, ESQRS.

<sup>1</sup> See Legislative Records of the Council, xiv., 363-365.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

SPENCER PIPPS, ESQ.

*For the Province, at large:—*

EBENEZER STONE & NATHANIEL COFFIN, ESQRS.

## REPRESENTATIVES OR DEPUTIES.

*May 27, 1730. to January 2, 1730.*

MR. JOHN QUINCY, SPEAKER.

### COUNTY OF SUFFOLK.

*Boston*, . . . Elisha Cook, Esq.,  
                   Mr. Ezekiel Lewis,  
                   Mr. Thomas Cushing,  
                   Mr. Samuel Welles.  
*Roxbury*, . . . John Bowles, Esq.  
*Dorchester*, . . . Mr. Benjamin Bird.  
*Milton*, . . . Mr. Oxenbridge Thatcher.  
*Brantree*, . . . John Quincy, Esq.  
*Hingham*, . . . Mr. John Jacobs.  
*Sutton*, . . . Mr. Samuel Dudley.  
*Deatham*, . . . Mr. Joseph Ellis.  
*Medfield*, . . . Mr. Ebenezer Mason.  
*Medbury*, . . . Mr. Jonathan Adams.  
*Wrentham*, . . . Mr. Robert Blake.  
*Woodstock*, . . . Major John Chandler.  
*Weymouth*, . . . Mr. Gideon Terrill.

### COUNTY OF ESSEX.

*Salem*, . . . Benjamin Lynde, Jr., Esq.,  
                   Mr. John Wolcott.  
*Ipswich*, . . . John Wainwright, Esq.,  
                   Thomas Berry, Esq.  
*Newbury*, . . . Joseph Gerrish, Esq.,  
                   Henry Rolfe, Esq.  
*Marblehead*, . . . Mr. Jeremiah Gatchel.  
*Lynn*, . . . Mr. Ebenezer Burrill.  
*Beverly*, . . . Capt. Robert Woodbury.  
*Glocester*, . . . Mr. Samuel Stevens.  
*Haverhill*, . . . Mr. Nathan Webster.  
*Salisbury*, . . . Mr. Isaac Morrill.  
*Andover*, . . . Mr. Joseph Parker.  
*Rowley*, . . . Mr. John Hobson.  
*Amesbury*, . . . Capt. John Foot.  
*Boxford*, . . . Capt. Joseph Hale.  
*Wenham*, . . . Mr. William Fairfield.  
*Topsfield*, . . . Capt. Joseph Gould.

### COUNTY OF MIDDLESEX.

*Cambridge*, . . . William Brattle, Esq.  
*Charlestown*, . . . Capt. Stephen Hall,  
                   Mr. Joseph Lemmon.  
*Watertown*, . . . Mr. Samuel Sterns.  
*Concord*, . . . Mr. Samuel Chandler.  
*Newtown*, . . . Mr. Richard Ward.  
*Sudbury*, . . . Mr. John Rice.  
*Marlboro'*, . . . Capt. Peter Rice.  
*Lancaster*, . . . Mr. Josiah White.  
*Sherburne*, . . . Mr. John Death.  
*Groton*, . . . Mr. John Longley.  
*Frammingham*, . . . Capt. Edward Goddard.  
*Chelmsford*, . . . Mr. William Fletcher.  
*Billerica*, . . . Mr. William Pattin.  
*Woburn*, . . . Capt. John Fowle.  
*Reading*, . . . Mr. Thomas Bancroft.  
*Malden*, . . . Mr. Jonathan Sergeant.  
*Lexington*, . . . Mr. Benjamin Willington.  
*Weston*, . . . Francis Fulham, Esq.  
*Medford*, . . . Mr. Benjamin Willis.  
*Stonham*, . . . Capt. John Vinton.  
*Worcester*, . . . Capt. William Jennison.

### COUNTY OF HAMPSHIRE.

*Springfield*, . . . William Pyncheon, Esq.  
*Northampton*, . . . Mr. Ebenezer Wright.  
*Hatfield*, . . . Henry Dwight, Esq.  
*Westfield*, . . . Mr. John Gunn.  
*Suffield*, . . . Capt. John Kent.

### COUNTY OF PLYMOUTH.

*Plymouth*, . . . Mr. John Foster.  
*Scituate*, . . . Mr. James Cushing.  
*Marshfield*, . . . John Little, Esq.  
*Duxbury*, . . . Capt. John Alden.  
*Bridgewater*, . . . Capt. Isaac Johnson.



COUNTY OF PLYMOUTH — *Concluded.*

*Middleboro',* . . . Mr. Samuel Barrow.  
*Rochester,* . . . Mr. Samuel Sprague.  
*Plimpton,* . . . Mr. Samuel Bradford.  
*Pembroke,* . . . Mr. Elisha Bysby.

## COUNTY OF BARNSTABLE.

*Barnstable,* . . . Shubal Gorham, Esq.  
*Yarmouth,* . . . Shubal Baxter, Esq.  
*Sandwich,* . . . Ezra Bourn, Esq.  
*Eastham,* . . . Mr. Joshua Higgins.  
*Harwich,* . . . Mr. Thomas Clark.

## COUNTY OF BRISTOL.

*Bristol,* . . . Charles Church, Esq.  
*Taunton,* . . . Seth Williams, Esq.  
*Swansey,* . . . Mr. Joseph Mason.

COUNTY OF BRISTOL — *Concluded.*

*Richboth,* . . . Mr. Jathiel Peck.  
*Little Compton,* Mr. David Hillard.  
*Dighton,* . . . Mr. Edward Shove.  
*Tirereton,* . . . Job Almy, Esq.  
*Dartmouth,* . . . Mr. Christopher Turner.  
*Attleborough,* . . . Capt. John Foster.  
*Norton,* . . . Capt. Samuel Brentnal.  
*Freetown,* . . . Mr. Joseph Read.

## COUNTY OF YORK.

*York,* . . . Mr. Samuel Sewall.  
*Kittery,* . . . Mr. Richard Cutt.  
*Berwick,* . . . Mr. Roger Plaisted.  
*Falmouth,* . . . Mr. John Tyng.

## IN THE COUNTY OF NANTUCKET.

*Sherburn,* . . . George Bunker, Esq.



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON  
ON THE TWENTY-SEVENTH DAY OF MAY, A.D. 1730.

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## CHAPTER 1.

RESOLVE ADVANCING £150 TO THE COM<sup>TEE</sup> FOR REPAIRING THE PROVINCE HOUSE.

A MEMORIAL of Elisha Cook Esq<sup>r</sup> M<sup>r</sup> Thomas Cushing & Edward Winslow Esq<sup>r</sup> (a Committee appointed to take Care of the Repairs of the Province House) Setting forth that considerable Work has been already done as to the said Repairs by their Orders which they judged necessary & convenient, Amounting to near Two hundred Pounds if not more, Therefore moving that a sum of Money may be put into their Hands for defraying the said Charges.

Legislative  
Records of the  
Council, xiv.,  
367.

House Jour-  
nal, pp. 12, 13.  
*Ante*, p. 258,  
chap. 94.

Read &

*Resolved* that the sum of One hundred & fifty Pounds be advanced & put into the Hands of the Committee for the ends above said, They to be accountable for the same. [*Passed May 29.*]

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## CHAPTER 2.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF DIVERS  
INHAB<sup>TS</sup> OF KITTERY.

ON THE PETITION of Joseph Hill & others Inhabitants of Kittery [*ante*, p. 454, chap. 123]

Legislative  
Records of the  
Council, xiv.,  
367.

In Council; Read together with the Answer of the Town of Kittery, & the same being fully considered,

*Ordered* that Theophilus Burrill & Timothy<sup>1</sup> Lindall Esq<sup>rs</sup> with such as shall be appointed by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be a Committee to repair to the Town of Kittery, & view the Situation of the two Parishes & hear all Parties concerned in this Petition, & report at the next Session of this Court what they judge most proper to be done hereon; The Charge to be born as this Court shall Order

House Jour-  
nal, p. 15.  
*Ante*, p. 454,  
chap. 123.

In the House of Represent<sup>ves</sup> Read & Concur'd And

*Ordered* that Major Gerrish, Coll. Wainwright & Cpt. Alden be joined in the Affair. [*Passed May 29.*]

## CHAPTER 3.

## VOTE APPOINTING A COMMITTEE FOR THE RECEPTION OF THE GOVERNOR.

Legislative  
Records of the  
Council, xiv.,  
368.

Legislative  
Records of the  
Council, xiv.,  
366 *bis*, 367.  
House Jour-  
nal, pp. 7, 14.

IN THE HOUSE OF REPRESENT<sup>ES</sup> Whereas his Majesty King George the second has been graciously pleased to appoint & commissionate the Hon<sup>ble</sup> Jonathan Belcher Esq<sup>r</sup> Captain General & Governor in Chief in & over his Majestys Province of the Massachusetts Bay, whose Arrival is daily expected, And whereas his Honour the Lieuten<sup>t</sup> Governor & Council did in expectation of his Excellencys Arrival before the Meeting of this Court appoint a Number of Gentlemen to wait on him at his Arrival & Congratulate him thereon in the Name of this Court; but forasmuch as this Court is now sitting

*Voted* that M<sup>r</sup> Cook, M<sup>r</sup> Lewis, M<sup>r</sup> Welles, M<sup>r</sup> Cushing, Major Brattle M<sup>r</sup> Hall, Major Bowles, Coll. Fulham, & Cpt. Rolfe with such as the Hon<sup>ble</sup> Board shall appoint, be a Committee in the Name of this Court to wait upon his Excellency & congratulate him upon his coming into this Governm<sup>t</sup> The abovesaid Committee are desired to provide suitable Entertainm<sup>t</sup> for the Members of this Court, & such other Gentlemen as may be present at the Governors Arrival at Boston or else where: In Council; Read & Concur'd And Thomas Hutchinson, Thomas Fitch, Daniel Oliver, William Clark & John Alford Esq<sup>ts</sup> with the Secretary are joined in the Affair. [*Passed May 29.*]

## CHAPTER 4.

## ORDER REFERRING TO THE LAND GRANTED TO THE NARRAGANSET SOLDIERS.

Legislative  
Records of the  
Council, xiv.,  
369.

House Jour-  
nal, p. 16.  
*Ante*, p. 460,  
chap. 139.

WHEREAS an Order pass'd this Court in December last to notify the Grantees of the two Narraganset Towns to assemble in the Town of Cambridge upon the first Wednesday in June next to chuse a Committee for ordering the Affairs relating to the said Townships, And Notice of that Order being published in the News Papers only, whereby many of the Grantees may not be acquainted therewith, And for the preventing any unnecessary Charge to them;

*Voted* that the said Order be superseded & the Grantees assemble in this Town on the second Wednesday of the next Fall Session to do the Matters & Things in the said Vote contained, & that the Represent<sup>es</sup> of the several Towns be desired to give publick Notice of this Vote in their Towns with all convenient speed. [*Passed May 30.*]

## CHAPTER 5.

## ORDER IMPOWERING THO. BRIGGS &amp; ELKANAH BABBET TO SELL PROPERTY FOR THE SUPPORT OF MARY KING.

Legislative  
Records of the  
Council, xiv.,  
369.

A PETITION of Thomas Briggs & Elkanah Babbet, Guardian to the Children of Ebenezer Briggs late of Dighton Dec<sup>d</sup> Shewing that the real Estate of the said Ebenezer is under Incumbrance for the support of Mary King & a Mortgage thereon like to be sued out; Pray-

ing that for the saving of the said real Estate the Petitioners may be impowered to dispose of the Personal Estate as also the Rent of the Real Estate for the Maintenance of the said Mary King.

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the Petitioners Thomas Briggs & Elkanah Babbet be impowered to make Sale of the Moveables within refer'd to, The Produce thereof together with the Income of the Land within mentioned to be put into the hands of the Select men of the Town of Dighton for the time being by them to be employed for the Relief & Support of the within named Mary King.<sup>1</sup> [*Passed May 30.*]

## CHAPTER 6.

### ORDER CONFIRMING A PLAT OF 100 ACRES OF LAND TO BENJ<sup>A</sup> LARRABEE.

A PLAT of One hundred Acres of Land laid out by Joseph Chadbourn to Cpt. Samuel Plaisted, to fulfill a Grant of that Quantity of unappropriated Land made by this Court to Cpt. Benjamin Larrabee; the said Land lying above Berwick Township, & being bounded as follows; viz, beginning at a Hemlock Tree marked S P, Running South west by West one hundred Poles then One hundred & sixty Poles, South East by South, then North east by East One hundred Poles; then North west by North One hundred & sixty Poles to the aforesaid Hemlock Tree bounded at the South East by Land formerly laid out to M<sup>r</sup> Cook by the Head of Berwick Township, & on the other side by unappropriated Lands & marked Trees.

[Read and]

*Ordered* that the Land herein delineated & described be & hereby is confirmed to the within named Benjamin Larrabee his Heirs & Assigns, Provided it exceeds not the Quantity of One hundred Acres, nor interfere with any other or former Grant. [*Passed May 30.*]

Legislative  
Records of the  
Council, xiv.,  
303.

House Jour-  
nal, p. 12.  
*Ante*, p. 342,  
chap. 126.

## CHAPTER 7.

### ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO BENJ<sup>A</sup> MUZZY.

A PLAT of Two hundred Acres of Land laid out by James Keys to fulfill a Grant made by the General Court to Benjamin Muzzy in the year 1729, being bounded round by unappropriated Lands, the Southerly Line running partly on the Northerly Edge of Wachusets Hill, & beginning at a Maple near the Turn of a Brook that runs thro' said Farm, & from thence running West 15 Deg. North, two hundred & thirty nine Perch to a small Hemlock on a Ledge of Rocks; thence South 15 Deg. West One hundred & thirty four perch to a red Oak; thence East 15 Deg. South two hundred & thirty nine perch to a small black Birch & Stones thence North 15 Deg. East One hundred & thirty four perch, to the Maple where it began.

[Read and]

*Ordered* That the Land within delineated and described be and hereby is confirmed unto the within named Benj<sup>a</sup> Muzzey, his heirs and assigns Provided It exceed not the Quantity of two hundred Acres nor interfere with any other or former Grant. [*Passed May 30.*]

Legislative  
Records of the  
Council, xiv.,  
309. Maps and  
Plans, Mis.,  
vii., 7.

Maps and  
Plans, Mis.,  
vii., 7. House  
Journal, p. 12.  
*Ante*, p. 447,  
chap. 103.

<sup>1</sup> Not found in the House Journal.

## CHAPTER 8.

RESOLVE ALLOWING £50 TO M<sup>r</sup> AND. BOARDMAN.Legislative  
Records of the  
Council, xiv.,  
370.House Jour-  
nal, p. 15.

AN ACCOMPT presented by M<sup>r</sup> Andrew Boardman of the Charge of the Entertainm<sup>t</sup> provided for the General Court on the last day of the Election of Councillors, Amounting to the sum of £50.

[Read and Accepted, and]

*Resolved* that the sum of Fifty Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Andrew Boardman in full discharge of the within Accompt. [*Passed May 30.*]

## CHAPTER 9.

RESOLVE ALLOWING £900 TO M<sup>r</sup> DUMMER.Legislative  
Records of the  
Council, xiv.,  
368, 373.House Jour-  
nal, p. 15.

*Resolved* that the sum of Nine hundred Pounds be allowed & paid out of the publick Treasury to his Honour William Dummer Esq<sup>r</sup> Lieuten<sup>t</sup> Governor & Commander in Chief of this his Majestys Province in consideration of his past Services in the Governm<sup>t</sup> & further to enable him to manage the publick Affairs thereof. [*Passed May 30.*]

## CHAPTER 10.

ORDER FOR DEMOLISHING PATUCKET BRIDGE.

Legislative  
Records of the  
Council, xiv.,  
372. Mass.  
Archives,  
cxxi., 167.Legislative  
Records of the  
Council, xiv.,  
369. House  
Journal, p. 16.

*Ordered*<sup>1</sup> that Coll. Church Capt. Foster & M<sup>r</sup> Peck be a Committee in Behalf of this Governm<sup>t</sup> to join the Governm<sup>t</sup> of Rhode Island in Demolishing the great Bridge over Patucket River, It being represented as very hazzardous. [*Passed July 1.*]

## CHAPTER 11.

ORDER REFERRING THE PETITION OF THE COMMITTEE FOR WEST PRECINCT IN BRIDGEWATER TO THE NEXT SESSION.

Legislative  
Records of the  
Council, xiv.,  
372.House Jour-  
nal, p. 22.

A PETITION of Jonathan Hayward, Joseph Keith Israel Packard & Ephraim Forbes a Committee for the West Precinct in Bridgewater, Shewing that the Meeting house in the said Precinct being much decayed, the Inhabitants have voted that a new one be erected, & have chosen the Petitioner to see the Matter effected, but for as much as the Inhabitants are greatly divided in their Opinions about the Place where to set the said Meetinghouse, Therefore Praying that this Court would appoint a Committee to go upon the Land, & upon due consideration of all circumstances determine the Place for erecting the s<sup>d</sup> Meetinghouse

Read &

*Ordered* that the Petitioners serve the West Precinct in Bridgewater

<sup>1</sup> The House Journal reads, "*Voted.*"

with a Copy of this Petition, that so they may shew Cause on the first Wednesday of the next Session, if any they have, why the Prayer of the Petition should not be granted. [*Passed July 1.*]

## CHAPTER 12.

### ORDER REFERRING THE PETITION OF DANIEL ESTABROOK WITH STAY OF EXECUTION TO THE NEXT SESSION, WITH NOTICE.

A PETITION of Daniel Eastabrook of Sudbury, Setting forth that in the year 1706, he together with Joseph Eastabrook of Hingham gave their Bond to Lydia Thaxter (now Lydia Draper) conditioned for the Payment of £100 in Silver Money altho part of the Money borrowed of her was in Bills of Credit, & she gave her solemn Promise to receive it again in that Specie, that in the year 1718, the Petition<sup>r</sup> adjusted his Debt with the said Lydia, & reduced the whole to Bills of Credit; Notwithstanding which she hath put his Bond in suit for the Recovery of Silver Money, & the Action went ag<sup>st</sup> him by Default thro the Neglect of his Attorney, & his being prevented from attending for Fear of the Small Pox; & Judgment was accordingly made up without the least regard had to the Adjustment made the Petitioner & the said Obligee; And therefore Praying that the s<sup>d</sup> Judgment by Default be voided, & be admitted to an other Trial, he paying the Costs in the afore mentioned Trial.

Read &

*Ordered* that the Petitioner serve the adverse Party with a Copy of this Petition, that so she may give in her reasons if any she have why the Prayer thereof may not [be]<sup>1</sup> granted, on the first Fryday of the next Session, & that Execution in the mean time be stayed. [*Passed July 2.*]

Legislative  
Records of the  
Council, xiv.,  
372.

House Jour-  
nal, p. 26.

## CHAPTER 13.

### RESOLVE ALLOWING £300 TO THE LIEUT. GOVERN<sup>R</sup>.

*Resolved* that the Sum of Three hundred Pounds be paid out of the publick Treasury to the Hon<sup>ble</sup> William Tailer Esq<sup>r</sup> Lieuten<sup>t</sup> Governor & Commander in Chief of this his Majestys Province as a Gratuity to him & for his Support in managing the Affairs of the Govern<sup>mt</sup>. [*Passed July 2.*]

Legislative  
Records of the  
Council, xiv.,  
373.

House Jour-  
nal, p. 24.

## CHAPTER 14.

### RESOLVE ALLOWING £52 TO THO. FLEET.

AN ACCOUNT presented by Thomas Fleet of Paper & Printing for y<sup>e</sup> House of Represent<sup>ves</sup> Amounting to the sum of £52.

Read and accepted and

*Ordered* That the sum of fifty two Pounds be allowed and paid out of the publick Treasury unto the Acco<sup>t</sup> in full Disch<sup>g</sup> of Said acco<sup>t</sup>. [*Passed July 2.*]

Legislative  
Records of the  
Council, xiv.,  
373. Mass.  
Archives,  
lviii., 299.

House Jour-  
nal, p. 23.

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 427.

## CHAPTER 15.

RESOLVE ALLOWING THE CO. TREAS<sup>R</sup> OF BRISTOLS ACCT<sup>r</sup>.Legislative  
Records of the  
Council, xiv.,  
373.House Jour-  
nal, p. 21.

AN ACCOMPT presented by Samuel Howland Treasurer of the County of Bristol for the last Year, Having been examined by the Court of General Sessions of the Peace for the said County, & by them allowed,  
Read & Allowed. [*Passed July 2.*]

## CHAPTER 16.

RESOLVE ALLOWING THE CO. TREAS<sup>R</sup> OF DUKES COUNTY HIS ACCT<sup>r</sup>.Legislative  
Records of the  
Council, xiv.,  
373.House Jour-  
nal, p. 21.

AN ACCOMPT presented by Ebenezer Allen Esq<sup>r</sup> Treasurer of Dukes County for the last Year, Having been examined by the Court of General Sessions of the Peace for the said County & by them allowed of.  
Read & Allowed. [*Passed July 2.*]

## CHAPTER 17.

RESOLVE ALLOWING THE MIDD<sup>X</sup>. CO. TREAS<sup>RS</sup> ACCT<sup>r</sup>.Legislative  
Records of the  
Council, xiv.,  
373.House Jour-  
nal, p. 21.

AN ACCOMPT presented by David Russell Esq<sup>r</sup> Treasurer of the County of Middlesex, Having been examined by the Court of General Sessions of the Peace for the said County & by them allowed of.  
Read & Allowed. [*Passed July 2.*]

## CHAPTER 18.

ORDER REFERRING THE PETITION OF DIVERS INHAB<sup>TS</sup> OF NEEDHAM TO THE NEXT SESSION.Legislative  
Records of the  
Council, xiv.,  
373.House Jour-  
nal, p. 24.

A PETITION of John Underwood, Stephen Bacon, Timothy Bacon, Samuel Morse, John Goodenow & Thomas Frost, Shewing that the Petitioners live on a Corner of Land which formerly belonged to Natick & now to Needham which runs in a narrow Strip almost into the Center of Natick Township, that the Petitioners live between five & seven miles of Needham Meeting house & not half so far from Natick Meeting house : where they have attended the publick Worship for several years with their Families, tho they have paid their full Charges at Needham, Therefore Praying that they with their Families & Estates may be set from Needham & annexed to Natick.

Read &amp;

*Ordered* that the Petitioners serve the Town of Needham with a Copy of this Petition, to shew cause, if any they have on the second Wednesday of the next Session, why the Prayer thereof should not be granted.  
[*Passed July 2.*]



## CHAPTER 19.

ORDER OF NOTICE IN REGARD TO THE PETITION OF NORTH WEST INHABITANTS OF ROWLEY, TO BE SET OFF AS A NEW PRECINCT.

A PETITION of sundry Inhabitants of the Westerly & North westerly Parts of the Town of Rowley, Shewing that by the Consent of the said Town they have erected a convenient House for the Worship of God, & the said Town Voted to set them off a separate Precinct by a certain Line but divers of the Petitioners were formerly added to the Parish at Newbury Falls commonly called Byfield, but the said Parish of Byfield being now capable of supporting the Worship of God among them, without the Assistance of the Petitioners now belonging to them, who are situated much more conveniently for the new Meeting house at Rowley, Therefore Praying that they may be set off to the said new Precinct, or that a Committee may be appointed to view their Situation, & hear the Inhabitants of Byfield hereon, & report their Opinion to this Court what may be best to be done hereon.

Read and

*Ordered* That the Pet<sup>rs</sup> Serve Newbury Falls or Byfield Parish with a Copy of this Petition that So they may Shew Cause (if any they have) on the First Fryday of the next Session of this Court, why the Prayer thereof Should not be granted. [*Passed July 2.*]

Legislative  
Records of the  
Council, xiv.,  
374. Mass.  
Archives, xi.,  
484.Mass.  
Archives, xi.,  
485. House  
Journal, p. 22.  
Province  
Laws, ix., 146,  
chap. 87.

## CHAPTER 20.

RESOLVE ALLOWING £350 TO THE JUDGES.

*Resolved* that the sum of Three hundred & fifty Pounds be allowed & paid out of the publick Treasury to the Hon<sup>ble</sup> the Justices of his Majestys Superior Court of Judicature &c, in proportion to the Courts they have attended the last Half Year. [*Passed July 3.*]

Legislative  
Records of the  
Council, xiv.,  
374.House Jour-  
nal, p. 30.

## CHAPTER 21.

RESOLVE ALLOWING £360 TO THE PRESID<sup>T</sup> OF HARVARD COLLEGE.

*Resolved* that the sum of Three hundred & sixty Pounds be allowed & paid out of the publick Treasury to the Rev<sup>d</sup> M<sup>r</sup> Benjamin Wadsworth President of Harvard College in Cambridge to enable him to manage the weighty & important Affairs of that Society for the Year Currant ending in June next, to be paid Quarterly. [*Passed July 3.*]

Legislative  
Records of the  
Council, xiv.,  
374.House Jour-  
nal, p. 30.

## CHAPTER 22.

RESOLVE ALLOWING £70 TO THE SECRETARY.

*Resolved* that the sum of Seventy Pounds be allowed & paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary of this Province for his service the last half Year; and that the further sum of Thirty Pounds be allowed & paid out of the publick Treasury to the said Josiah Willard for his extraordinary Service. [*Passed July 3.*]

Legislative  
Records of the  
Council, xiv.,  
375.House Jour-  
nal, p. 30.

## CHAPTER 23.

## RESOLVE ALLOWING £250 TO THE TREASURER.

Legislative  
Records of the  
Council, xiv.,  
375.

House Jour-  
nal, p. 30.

*Resolved* that the sum of Two hundred & fifty Pounds be allowed & paid out of the publick Treasury to Jeremiah Allen Esq<sup>r</sup> Treasurer of this Province for his Service the Year past in the Treasury &c, ending in May last. [*Passed July 3.*]

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## CHAPTER 24.

## RESOLVE ALLOWING £30 TO THE DOOR KEEPER.

Legislative  
Records of the  
Council, xiv.,  
375.

House Jour-  
nal, p. 30.

*Resolved* that the sum of Thirty Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Richard Hubbard Door Keeper to his Honour the Lienten<sup>t</sup> Governor & this Court, in part for his Service the present Year, which determines the nineteenth of February next.<sup>1</sup> [*Passed July 3.*]

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## CHAPTER 25.

RESOLVE ALLOWING THE ACCT<sup>t</sup> OF PLYMOUTH CO. TREASURER.

Legislative  
Records of the  
Council, xiv.,  
375.

House Jour-  
nal, p. 12.

AN ACCOUNT presented by Cpt. John Dyer, Treasurer of the County of Plymouth for the last Year, Having been examined by the Court of General Sessions of the Peace for said County & by them allowed. Read & Allowed. [*Passed July 3.*]

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## CHAPTER 26.

## ORDER IMPOWERING DANIEL POWNING TO HIRE WATCHMEN.

Legislative  
Records of the  
Council, xiv.,  
375.

House Jour-  
nal, p. 12.

A PETITION of M<sup>r</sup> Daniel Powning, Keeper of the Powder house in Boston Shewing that the Watch men in said Powder house refusing to continue in that Service unless their Wages are brought up to the Rate of the Town Watch which is Three Pounds per month, he was obliged to promise them so much; otherwise that Watch must have fallen at the end of May, And whereas the Profit arising from the Care of the Merchants Gun Powder will probably be insufficient to answer that Charge, Therefore Praying that the Treasurer may be ordered from time to time to pay such sums as he shall want for the Watch mens Hire, or that he may have such other Direction herein as this Court shall think necessary.

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the Petitioner be & hereby is impowered to agree with Watch men at Three Pounds per Month he to accompt with the Province Treasurer therefor. [*Passed July 3.*]

<sup>1</sup> The Secretary's record closes "Consented to, W<sup>m</sup> Dummer," a mistake for W<sup>m</sup> Tailor, who entered upon the office of Governor on June 30, 1730. In the State Library copy, Legislative Records of the Council, xiv., 430, the consent is correctly given.

## CHAPTER 27.

### RESOLVE IMPOWERING THE TREASURER TO SUPPLY STORES FOR CASTLE WILLIAM.

AN INDENT of sundry Stores necessary at his Majestys Castle William presented by William Barnsdale Gunner.

Read &

*Resolved* that Mr Treasurer Allen be directed to supply William Barnsdale Gunner at his Majestys Castle William with the several Articles above mention'd for the use of the s<sup>d</sup> Castle. [*Passed July 3.*]

Legislative  
Records of the  
Council, xiv.,  
375.

House Jour-  
nal, p. 28.

## CHAPTER 28.

### ORDER APPOINTING A COMMITTEE ON SAM<sup>L</sup> PEGANS PETITION FOR LIBERTY TO SELL LAND.

A PETITION of Samuel Pegan of New Roxbury Indian, Shewing that he has a good Tract of Land in said Town sufficient for his Improvement but no comfortable House thereon; And therefore Praying for Liberty to sell a Piece of Sixty Acres & two Acres of Meadow Bottom in Natick to John Goodenow of Needham (whose Land compasses the Petitioners) and with the Produce thereof to build a comfortable House after the English Fashion for the Convenience of him self & his Family.

Read &

*Ordered* that Coll. Fulham & Cpt. Goddard be a Committee to view the Land petitioned for & inquire into the Circumstances of the Petitioner, & make Report to this Court at the next Session what may be proper for this Court to do thereon. [*Passed July 3.*]

Legislative  
Records of the  
Council, xiv.,  
375.

House Jour-  
nal, p. 23.

## CHAPTER 29.

### ORDER REFERRING MARSHF<sup>D</sup> INHAB<sup>TS</sup> PETITION TO THE NEXT SESSION.

ON THE PETITION of divers Inhabitants of Marshfield & Scituate [*ante*, p. 453, chap. 118]

Read &

*Ordered* that the Towns of Marshfield & Scituate with the Southerly Precinct in Scituate give in their Reasons if they see cause, on the first Thursday of the next Sitting of this Court, why the Prayer of this Petition should not be granted. [*Passed July 3.*]

Legislative  
Records of the  
Council, xiv.,  
375.

House Jour-  
nal, p. 27.  
*Ante*, p. 453,  
chap. 118.

## CHAPTER 30.

### VOTE ACCEPTING THE TREAS<sup>RS</sup> GENERAL ACCOMPT.

THE COMMITTEE<sup>1</sup> to whom was refer'd Mr Treasurer Allens Accompts, beginning the 31<sup>st</sup> of May 1729, & ending May 27, 1730, Amounting to One hundred sixty seven thousand three hundred & thirteen Pounds fif-

Legislative  
Records of the  
Council, xiv.,  
375.

<sup>1</sup> Of the House. — House Journal, p. 21.

House Journal, pp. 21, 29.  
Province  
Laws, ii., 470,  
chap. 17.

teen shillings and seven pence. Report that they had attended the Order of the House & performed that Service, & find the said Accompts right east & well vouched and that there was outstanding Eleven thousand nine hundred & forty Pounds nineteen shillings & five pence of the Taxes, Nine thousand nine hundred & five Pounds nine shillings of the £50,000 Loan, Fifty nine thousand two hundred fifty eight Pounds ten shillings of the £60,000 Emission granted by the General Court at their Session in Novem<sup>r</sup> 1727, & Sixty one thousand eight hundred seventy six Pounds fifteen shillings & eleven pence Neet Province Bills of Credit further to be accounted for; as also Outstanding of the 4 per Cent. Interest on the £60,000; One thousand nine hundred seventy two Pounds six shillings & nine pence; which he is also to account for, Which fore mentioned sum of Twenty Two thousand three hundred & fifty nine Pounds fourteen shillings & six pence per his Accompt paid out the last Year makes the sum of One hundred sixty seven thousand three hundred thirteen Pounds fifteen shillings & seven pence; And are of Opinion that the Accompt be accepted & the Treasurer accordingly discharged of the said sum of Twenty two thousand three hundred fifty nine Pounds fourteen shillings & six pence:

EZEK. LEWIS per Order

Read & Accepted &

*Voted* that the said Accompts in the several Articles of Receits & Payments, Amounting to the sum of Twenty two thousand three hundred fifty nine Pounds fourteen shillings and six pence be & hereby are allowed of, & the said Treasurer is hereby discharged of the said sum of Twenty two Thousand three hundred fifty nine Pounds fourteen shillings & six pence<sup>1</sup> accordingly. [*Passed July 3.*]

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## CHAPTER 31.

### VOTE ACCEPTING THE TREAS<sup>RS</sup> ACCOMPT OF INDIAN TRADE.

Legislative  
Records of the  
Council, xiv.,  
376.

House Journal,  
p. 31.

AN ACCOMPT presented by Jeremiah Allen Esq<sup>r</sup> Treasurer, of the Trade with the Indians under his Managem<sup>t</sup>

The Committee having examined the within Accompt find it right east & well vouched; The Ballance thereof amounting to Ten thousand seven hundred & ninety Pounds two shillings & eight pence; Which sum, We are of Opinion the Treasurer is further to account for:

EZEK. LEWIS per Order.

Read & Accepted. [*Passed July 3.*]

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## CHAPTER 32.

### ORDER REFERRING FALMOUTH PROPRIET<sup>RS</sup> PETITION TO THE NEXT SESSION.

Legislative  
Records of the  
Council, xiv.,  
377. Mass.  
Archives, vi.,  
494.

Mass.  
Archives, vi.,  
496. House  
Journal, p. 32.  
*Ante*, p. 360,  
chap. 177,  
p. 450, chap.  
110.

ON THE PETITION of the Proprietors of the Town of Falmouth, [*ante*, p. 360, chap. 177]

Read and referred for further Consideration to the second Tuesday of the next Sitting of this Court. [*Passed July 3.*]

<sup>1</sup> The words "be & hereby are . . . six pence" are inserted from the State Library copy, Legislative Records of the Council, xiv., 432.

## CHAPTER 33.

## ORDER REFERRING TO THE NEXT SESSION CHARLES HOBBS PETITION FOR AN INJUNCTION AGAINST AN ACTION.

A PETITION of Charles Hobby of Boston Merch<sup>t</sup> Shewing that at the last Superior Court of Judicature held at Boston, William Davison & Edith his Wife recovered Judgment against Robert Wingham for £80 Money & Costs; that he the said Wingham being gone to Sea, & the Petition<sup>r</sup> having Effects of his in his hands is liable to satisfy the said Judgment; That the said Wingham's Attorney hath prosecuted an Action against the Petitioner for his Debt, which has been reported by Auditors to be £73. 17. 9 Which the said Attorney refuses to allow or discount to him for or towards Payment of the Judgment recovered by Davison, And therefore Praying for an Order for barring the Action of Wingham's Attorney upon his paying the Judgment recovered by Davison against Wingham.

Legislative  
Records of the  
Council, xiv.,  
377.

House Jour-  
nal, pp. 29, 30.

Read &

*Ordered* that the Petition<sup>r</sup> serve the adverse Party or his Attorney with a Copy of this Petition, to shew cause if any he have on the second Tuesday of the next Sitting of this Court, why the Prayer thereof should not be granted; And all Proceedings to be stayed in the mean time. [*Passed July 3.*]

## CHAPTER 34.

## ORDER REFERRING TO THE NEXT SESSION ROBT WARD'S PETITION FOR THE RIGHT TO SET OFF JUDGMENTS AGAINST A JUDGMENT.

A PETITION of Robert Ward of Boston Mariner, Shewing that at the Inferior Court of Common Pleas held at Boston in July 1729, he recovered Judgment against James Shea for the sum of £76. 4. 7 & Cost, & an other Judgment for £5 & Cost, That the said Shea has in an other Action recovered Judgment against the Petitioner for £100 That Benjamin Gallop became Bail for the said Shea, & is now his Attorney, he being gone to Sea & avoids, to prevent the Petitioners reviewing till the Time allowed by Law is elapsed, that the Petitioner has requested M<sup>r</sup> Gallop the Attorney to off set the two Judgments recovered of Shea from that recovered against him which he refuses to do, thō the Petitioner has promised to pay the Ballance; And therefore Praying an Order of this Court for setting off his two Judgments recovered of Shea from the £100 Shea has recover'd of him, or that he may have such other Relief in the Premises as the Court shall judge proper.

Legislative  
Records of the  
Council, xiv.,  
377.

House Jour-  
nal, pp. 25, 32.

Read &

*Ordered* that the Petition<sup>r</sup> serve the adverse Party or his Attorney with a Copy of this Petition, that they shew cause, if any they have, why the Prayer of the Petition should not be granted, on the first Fryday of the next Session, & that Execution of the several Judgments therein mentioned be stayed in the mean time. [*Passed July 3.*]

## CHAPTER 35.

## ORDER OF NOTICE ON WM &amp; JOS. PRAYS PETITION TO REDEEM LAND FROM MORTGAGE.

Legislative  
Records of the  
Council, xiv.,  
378.

House Jour-  
nal, p. 31.

A PETITION of William Pray & Joseph Pray Sons of Ephraim Pray late of Brantree for them selves & their Bretheren & Sisters, Shewing that their said Father in the Year 1709, took up at Interest of Peter Webb & Ebenezer Thayer the sum of £17. 6 for which he mortgaged a Piece of Land containing about seven Acres, & soon after died; And thereupon the Mortgagees entered upon the said Land without bringing any Action for the same (the Petitioners being in their Minority) & have had the Improvement thereof ever since; Therefore Praying that they may be enabled to bring their Writ for Redemption of the Premises, Notwithstanding the Time limited by Law for the same is elapsed.

Read & Refer'd to the second Wednesday<sup>1</sup> of the next Sitting of this Court, &

*Ordered* that the Petitioners serve the Heirs or legal Represent<sup>ves</sup> of the within named Peter Webb & Ebenezer Thayer with a Copy of this Petition in the mean time; Then to shew cause if any they have, why the Prayer thereof should not be granted. [*Passed July 3.*]

## CHAPTER 36.

## ORDER OF NOTICE ON THE PETITION OF DIVERS INHABITANTS OF LANCASTER STOW &amp; GROTON.

Legislative  
Records of the  
Council, xiv.,  
378.

House Jour-  
nal, p. 26.

A PETITION of Simon Stone, Jonathan Whitney & Thomas Wheeler in behalf of them selves & divers others, Inhabitants of the Towns of Lancaster, Stow & Groton, whose Names are in a Schedule hereunto annexed, Shewing that they are seated at a great distance from the Meeting houses in their respective Towns, which renders their Attendance on the publick Worship very difficult to them & their Families, & that they are commodiously situated to make a Town, And therefore Praying that they may be set off from the Places where they now belong & made a separate Township; The Bounds to begin at the Southerly end of the Causey near the House of Samuel Wilson in Lancaster; & thence running West North west to the West Line of Lancaster, old Township; & then beginning again at the same Causey & running South east & by East to the East Line of Lancaster Township; & then running Northerly upon the East Line of Lancaster till it comes to a Brook called Bever Brook, then crossing the Town of Stow & running by Bever Brook till it comes to Littleton Town Line; then running upon Littleton Line to a Hill in Groton called Brown Hill; & thence North west till it comes to Cpt. Prescotts Saw Mill standing on a sandy Brook; & thence running on a Line parallel with Groton South Line till it comes to the West Line of Groton; then running Southerly & running as Lunenburgh Line runs till it comes to the North west Corner of Lancaster old Township, & still running Southerly till it makes a Corner with the first mentioned Line, or that a Committee may be appointed to view the Place & report on this Petition

Read &

*Ordered* that the Petitioners serve the Towns of Lancaster Stow &

<sup>1</sup> The House Journal reads, "the second *Thursday*."

Groton with Copies of this Petition, that so they may shew cause, if any they have on the second Wednesday of the next Session why the Prayer thereof should not be granted. [*Passed July 3.*]

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## CHAPTER 37.

### VOTE ACCEPTING THE ACCOUNT OF HASSANIMISCO TRUSTEES.

AN ACCOUMPT presented by Spencer Phips, Cpt. Edward Goddard & Cpt. Ephraim Curtis, Trustees for the Indians at Hassanimisco of their Receipts & Disbursements of the Interest Money belonging to the Indians.

Legislative  
Records of the  
Council, xiv.,  
379.

Read & Accepted, &

*Voted* that the Committee the Accomptants be & hereby are accountable for the Ballance thereof being Sixty seven Pounds nineteen shillings & two pence. [*Passed July 3.*]

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House Jour-  
nal, p. 31.  
*Ante*, p. 233,  
chap. 36.

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE NINTH DAY OF SEPTEMBER, A.D. 1730.

## CHAPTER 38.

ORDER ON THE REPORT ON A PETITION OF DIVERS INHAB<sup>TS</sup> OF KIT-  
TERRY DIRECTING PAYMENT OF £19. 16. 6 TO THE COMMITTEE. BY THE  
PETITIONERS.

Legislative  
Records of the  
Council, xiv.,  
385.

House Jour-  
nal, pp. 9, 10.  
*Ante*, p. 471,  
chap. 2.

THEOPHILUS BURRILL ESQ<sup>R</sup> from the Committee of both Houses on the Petition of divers Inhabitants of Kittery, gave in the following Report; viz, In Obedience to the above Order the Committee repaired to the Town of Kittery & have taken a full & careful View of the Town in the several Parts thereof, & have heard the Pleas & Allegations of all Parties concerned in the Petition both for & against it, & find that the Petitioners without so much as applying to or advising with the said Town or either of the two Precincts of which it consists for their Consent or Allowance for placing the new Meeting house on the Land where it stands have erected the same & are finishing of it. The Committee are of Opinion that the two Meeting Houses, which are conveniently placed are sufficient to hold all the Inhabitants of the Town; And if in Process of time the People should become more numerous, & the present unimproved Lands inhabited, that the House built by the Petitioners is so situated that by no means will render it accommodable for the Inhabitants which may settle thereafter; & after mature & deliberate Consideration thereon, The Committee are of Opinion that the Petition be dismiss'd: All which is humbly submitted,

In the Name & by Order of the Comm<sup>tee</sup> THEOP. BURRILL.

Read &

*Ordered* that this Report be accepted & the Petition therein refer'd to dismiss'd accordingly; & that the Petitioners pay the Accompt of the Committees time & expence in this service. Amounting to the sum of Nineteen Pounds sixteen shillings & six pence to Theophilus Burrill Esq<sup>r</sup> to be by him paid to the Committee, as it is due. [*Passed September 10.*]

## CHAPTER 39.

ORDER SETTING OFF THE ESTATES OF JONAS PRESCOT & OTHERS  
FROM GROTON TO WESTFORD.

Legislative  
Records of the  
Council, xiv.,  
386.

House Jour-  
nal, p. 9.

A PETITION of Jonas Prescott, Ebenezer Prescott, Abner Kent & Ebenezer Townsend Inhabitants of the Town of Groton. Praying that they & their Estates, contained in the following Boundaries; viz, Beginning at the North west Corner of Stony Brook Pond, from thence extending



to the North west Corner of Westford commonly called Tyngs Corner, & so bounded Southerly by said Pond may be set off to the Town of Westford for their greater Convenience in attending the publick Worship.

Read &

*Ordered* that the Petition<sup>rs</sup> within named with their Estates, according to the Bounds before recited be & hereby are to all Intents & Purposes set off from the Town of Groton & annexed to, the Town of Westford.  
[*Passed September 10.*]

## CHAPTER 40.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE LINE BETWEEN BROOKFIELD & LEICESTER AND SETTLING THE SAME.

WE John Chandler, Benjamin Prescot & John Gun a Committee appointed by the Great & General Court the fourth of January 1727, to repair to the Towns of Brookfield & Leicester to make Inquiry as to the Divisional Line between the said Towns & hear the Pleas & Allegations of the Parties, examine the Records respecting the same & make Report &c, Have in Obedience thereto attended that Service; seasonable Notice having been given to the Selectmen of said Towns of our Coming; And being on that Service the thirtieth of the last Month, we spent four days there, one of them in waiting for the Selectmen of Leicester; who came not to the Line till Evening, It being foul Weather; And on Tuesday the first Currant we fully heard the respective Pleas, & examined the several Records relating to the said Line; We found it necessary to run & measure the same: We began at the North east Corner claimed by Brookfield, which is a Pine Tree anciently marked, & proceeded thence by a Line running South by the Compass; which was the intended Course of the West Line of Leicester; Altho Brookfield Gentlemen informed us the Day before, that their Line was run by Cpt. Dwight Anno 1719 two Degrees to the Eastward of the South; Which South Course brought us forty Perch to the Eastward of Brookfield Claim where the Road crosses said Line; & the strict distance we ran out by Chain men under Oath was four miles three quarters & forty Perch: In this Line we found no Monuments. On Thursday Morning we went to the South east Corner claimed by Brookfield, & found their ancient Corner said to be made by Cpt. Hawley Anno 1701; but their present Corner made by Cpt. Dwight Anno 1719, is thirty eight perch further South; We took that Line which was easily found having been made very plain, & the Monuments very near each other, & was run with great Exactness: The Course we found to be North two Degrees East; The strict measure was made out from Brookfield the present South east Corner to the Road abovesaid, we found to be just three miles & an half; And at the Termination of the said three miles & half, being the Place where Nathaniel Wood has built & improved, Leicester Claim extends precisely twenty two perch more to the West; Which Claim of Leicester manifestly appears to have been occasioned by a Misinformation given of the East Bounds of Brookfield, given to the Committee & Survey<sup>r</sup> of Leicester by some of Brookfield Inhabitants, when the Lines of Leicester were protracted Anno 1715; We continued the Course of Cpt. Dwights Line to the Northward of s<sup>d</sup> Road, & found Monuments as before; Which without any Doubt to us came out right at the North east Corner; Which Corner is also claimed as a Corner by Leicester, Rutland & the Proprietors of Brantree Grant, & is said to be also made by Cpt. Hawley Anno 1701; We were assisted in the Service of running the Line by Cpt. Wil-

Legislative  
Records of the  
Council, xiv.,  
386. Mass.  
Archives,  
cxiv., 5.

Mass.  
Archives,  
cxiv., 3.  
House Jour-  
nal, p. 13.  
Province  
Laws, ix., 695,  
chap. 109.  
*Ante*, p. 256,  
chap. 90.

liam Ward; who was also under Oath as a Survey<sup>r</sup> & was actually at the protracting of the Lines of Leicester Anno 1715.

Upon the whole, The Committee are humbly of Opinion, That the Line run by Cpt. Timothy Dwight from a Pine Tree, as well the ancient reputed North East Corner of Brookfield Township, as a Corner to Leicester, Rutland & Brantree Grant, & extends by the Compass South two Degrees West, altho twenty two Perch more Easterly at the Road afore said than Leicester Bonnds were reputed to be, ought to be fixed & settled for the Line of Division between the said two Towns; but that Nathaniel Wood his Heirs & Assigns shall for ever have hold & enjoy the West part of his said Lot, altho laid out by the Proprietors of Leicester; which does not exceed the Quantity of seventeen Acres; & which the Select men of Brookfield seem willing to allow, the said Line of Division between the said two Towns notwithstanding: All which is humbly submitted

In the Name & by Order of the Comm<sup>tee</sup>  
Brookfield Octob<sup>r</sup> 23. 1728.

JOHN CHANDLER

Read and

*Ordered* that this Report be Accepted and that the Line between Brookfield and Leicester be Settled and determined accordingly. [*Passed September 11.*]

## CHAPTER 41.

### ORDER ALLOWING BARNSTABLE COUNTY TREAS<sup>RS</sup> ACC<sup>T</sup>.

Legislative  
Records of the  
Council, xiv.,  
390.

House Jour-  
nal, p. 8.

AN ACCOMPT presented by M<sup>r</sup> Ebenezer Lewis, Treasurer of the County of Barnstable for the Year 1729, Having been laid before the Court of General Sessions of the Peace for said County & by them Allowed;

Read & Accepted &

*Ordered* that this Accompt be allowed. [*Passed September 11.*]

## CHAPTER 42.

### ORDER APPOINTING A COMMITTEE ON THE PETITION OF DIVERS INHABITANTS OF ROWLEY AND NEWBERRY, TO BE CREATED A SEPARATE PRECINCT.

Legislative  
Records of the  
Council, xiv.,  
390. Mass.  
Archives, xi.,  
484.

Mass.  
Archives, xi.,  
485. House  
Journal, pp. 13,  
14. *Ante*,  
p. 477, chap. 19.

ON THE PETITION of the Western Inhabitants of the Town of Rowley & divers Inhabitants of Newbury [*ante*, p. 477, chap. 19]

In Council; Read together with the Answer of the Parish of Byfield; And the same being fully considered,

*Ordered* that Samuel Thaxter Esq<sup>r</sup> with such as shall be joined by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be a Committee to view the Situation & consider the Circumstances of the Petitioners as also of the Parish of Byfield & that in the North West Part of Rowley, Notifying the Parish of Byfield of the Time of their Coming, And that they make Report at the next Session what they judge proper for the Court to do hereon; The Charge of the Committee to be paid by the Petitioners.

In the House of Rep<sup>tives</sup>

Read and Concurred and

*Ordered* That M<sup>r</sup> Lynde and M<sup>r</sup> Fairfield be joined in that affair. [*Passed September 12.*<sup>1</sup>]

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is September 11.

## CHAPTER 43.

ORDER IMPOWERING EDWARD LEWIS AS ADMINISTRATOR, TO SELL  
REAL ESTATE.

A PETITION of Edward Lewis of Middleborô in the County of Plymouth Administ<sup>r</sup> of the Estate of Eleazar Lewis his Father Dec<sup>d</sup> Shewing that the personal Estate is insufficient to pay the Debts, as appears by a Certificate from the Probate Office; And forasmuch as the Superior Court will not sit in said County till the latter end of April, Therefore Praying Liberty from this Court to sell the real Estate of the said Intestate in Order to discharge the Debts due thereon as afore said.

Read &

*Ordered* that the Petitioner Edward Lewis be & hereby is authorized & impowered to make Sale of y<sup>e</sup> whole of the said Deceaseds real Estate & to execute a good Deed or Deeds in the Law for Conveyance of the same for the Payment of the just Debts of the within named Deceased; the Petition<sup>r</sup> giving publick Notice of such Sale thirty days before hand in like manner as is provided in Case of an Administ<sup>r</sup>s obtaining Licence from the Superior Court of Judicature for the Sale of Lands & in like manner to accompt with the Judge of Probate for the County afore said for the Produce of the Premisses. [*Passed September 15.*]

Legislative  
Records of the  
Council, xiv.,  
391.

House Jour-  
nal, p. 18.

## CHAPTER 44.

ORDER ALLOWING £1,000 FOR THE GOVERN<sup>r</sup>.

WHEREAS his most Sacred Majesty was graciously pleased to appoint his Excellency Jonathan Belcher Esq<sup>r</sup> Governor of this Province while he resided at the Court of Great Britain in the Agency for the House of Represent<sup>ves</sup> here; And whereas his Excellency was pleased to stay there several months after receiving his Commission, to consult the Service & Welfare of this Province; & has been at considerable Charge & Expence in the Freight of his Equipage & other Necessaries suitable to the Dignity of his Station; which Charge & a much greater was defrayed to his Predecessor by this Governm<sup>t</sup>

*Ordered*<sup>1</sup> That the sum One Thousand Pounds be paid his Excell<sup>y</sup> the Governour out of the Publick Treasury towards reimbursing him. [*Passed September 15.*]

Legislative  
Records of the  
Council, xiv.,  
392. Mass.  
Archives,  
xlviii., 477.

House Jour-  
nal, pp. 14, 24.  
*Ante*, p. 355,  
chap. 161;  
p. 472, chap. 3.

## CHAPTER 45.

## VOTE ALLOWING £200 TO CPT. PROTHROE.

WHEREAS Cpt. George Prothroë Commander of his Majestys Ship the *Blanford* by Order from the Lords of the Admiralty received his Excellency the Governor his Servants &c on board the s<sup>d</sup> Ship at Portsmouth, & brought him safe to his Governm<sup>t</sup> in this Province; & during the Passage treated his Excellency with the Honour & Respect due to his Character.

*Ordered*

That there be paid into the hands of M<sup>r</sup> Cooke Major Brattle and

Legislative  
Records of the  
Council, xiv.,  
392. Mass.  
Archives,  
xlviii., 476.

House Jour-  
nal, p. 15.  
*Ante*, p. 472,  
chap. 3.

<sup>1</sup> The House Journal reads, "*Resolved.*"

Mr Lewis out of the Publick Treasury the sum of Two hundred Pounds to be by them given to the said George Prothero in the Name and on behalf of this Government as a Gratification for his Respectful Treatment of his Excellcy the Governour. [*Passed September 15.*]

## CHAPTER 46.

### ORDER OF NOTICE ON WM ALMYS PETITION FOR A HEARING ON AN APPEAL.

Legislative  
Records of the  
Council, xiv.,  
332.

House Jour-  
nal, p. 12.  
*Ante*, p. 454,  
chap. 121.

A PETITION of William Almy of Tiverton, Setting forth that at an Inferior Court of Common Pleas held at Bristol for the County of Bristol in October 1728, he enter'd his Action of Trespass against Josiah Briggs, & the said Briggs recovered Judgment against him thereon; from which he appealed to the Superior Court & recognized as the Law directs, & confided in his Attorney for filing Reasons of Appeal, but he being sick, his Reasons were not filed in due Season; by which means he lost the benefit of his Appeal; And therefore Praying that he may by an Order of this Court be admitted to prosecute his Appeal the said Omission notwithstanding.

Read &

*Ordered* that the Petitioner serve the adverse Party with a Copy of this Petition, that he shew Cause if any he have, on the first Fryday of the next Session of this Court, why the Prayer of the Petition should not be granted. [*Passed September 15.*]

## CHAPTER 47.

### ORDER CONFIRMING 12 ACRES OF LAND TO JOSEPH BOURN.

Legislative  
Records of the  
Council, xiv.,  
333.

House Jour-  
nal, p. 21.

A PETITION of Joseph Bourn of Sandwich Clerk, Shewing that the Indian Proprietors of Mashpee for his encouragem<sup>t</sup> in preaching to them granted to him & his Heirs twelve Acres of Land in the said Plantation; which was laid out to him by a Committee of the said Indian Proprietors, as appears by their Report, dated the 26<sup>th</sup> of March 1729, herewith exhibited;<sup>1</sup> which Report expresses the Metes & Bounds of the said Land; Therefore Praying that this Court would confirm to him the said Grant.

Read & In answer to this Petition,

*Ordered* that the Land mentioned in the Report within refer'd to be & herely is confirmed to the Rev<sup>d</sup> Mr Joseph Bourn his Heirs & Assigns for ever; according to the Metes & Bounds set forth in said Report. [*Passed September 16.*]

## CHAPTER 48.

### ORDER CREATING A NEW PRECINCT IN WOBURN.

Legislative  
Records of the  
Council, xiv.,  
333.

THE COMMITTEE appointed on the Petition of the Inhabitants of the Westerly & North westerly Part of Woburn. Praying to be erected into a Township or Precinct, in obedience to the within Order, repaired to

<sup>1</sup> No record of this report has been found.

the Land petitioned for; the Select men of the said Town as well as the Petitioners being first seasonably notified of the time of the Committee going; And after having taken a full & careful View of the Land, & heard the Parties on the Subject matter of the Petition at large, & maturely & deliberately considered the same, & how far the Town of Woburn may be hereby affected; Are humbly of Opinion that it will tend greatly to the Advancem<sup>t</sup> of the publick Worship of God that the Lands within mentioned be erected into a separate & distinct Precinct by the following Bounds (there being a sufficient number of Inhabitants therein to support & maintain the Preaching of the Gospel there) Beginning at a great Rock on John Lillys Land to the Northward of his Barn, extending thence on a Line to a Bridge, about ten rods to the South westerly side of Timothy Snows House; thence Southwesterly till it comes to Lexington Line, two miles & an half to the Eastward of Billerica Corner; from thence Westerly to Billerica Corner; thence Northerly till it comes within one hundred Poles of Abraham Jaques's Land; thence to the Cold Spring Stone Bridge, near the Figure of Four Tree 4 And from thence Easterly to the Rock first mentioned, Excluding the House & Barn of the said Timothy Snow, And when the Petitioners shall be erected into a Precinct, the Committee cannot but be of Opinion that the Charge of supporting the Ministers in the Town or first Parish in Woburn will still be very easy on the Inhabitants of that Parish: Which is submitted In the Name & by Order of the Committee

July 1. 1730.

JONATH<sup>N</sup> DOWSE

Read &

*Ordered* that this Report be accepted, And that the Lands above bounded & described be erected into a separate Precinct accordingly, & that the Inhabitants thereof be vested with the Powers & Privileges that the Inhabitants of other Precincts within this Province are or ought by Law to be vested with. [*Passed September 16.*]

## CHAPTER 49.

### ORDER ON THE PETITION OF THE FIRST PRECINCT IN BRIDGWATER IN REGARD TO A MEETING HOUSE.

ON THE PETITION of Jonathan Howard & others a Committee of the West Precinct in Bridgwater, [*ante*, p. 474, chap. 11]

In Council; Read And the West Precinct in Bridgwater not giving in any reasons against the Prayer of the Petition,

*Ordered* that Seth Williams Esq<sup>r</sup> with such as shall be joined by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be a Committee to repair to the West Precinct in Bridgwater, & that after they have viewed the said Precinct, & fully heard the Parties, that they consider & report to this Court at their next Session what Place they judge most proper for setting the new Meeting house; the Charge to be born by said Precinct: In the House of Represent<sup>ves</sup> Read & Concur'd, &

*Ordered* that M<sup>r</sup> Thatcher & M<sup>r</sup> Lemon be joined in the Affair. [*Passed September 16.*]

House Journal, p. 23.  
*Ante*, p. 451, chap. 114.  
*Post*, p. 490, chap. 51.

Legislative Records of the Council, xiv., 394.

House Journal, p. 22.  
*Ante*, p. 474, chap. 11.

## CHAPTER 50.

Legislative  
Records of the  
Council, xiv.,  
394.

House Jour-  
nal, p. 25.  
Province  
Laws, ii., 61,  
chap. 18; ix.,  
511, chap. 150.

ORDER DIRECTING THE COMMISSIONERS OF THE £100,000 LOAN TO  
RENDER THEIR ACCOMPTS.

*Ordered* that the Commissioners of the respective Counties within this Province for letting out the One hundred thousand Pounds Loan be & hereby are directed & required to lay their Accompts before this Court by the first Fryday of the next Session. [*Passed September 17.*]

## CHAPTER 51.

ORDER FOR A MEETING ON WOBURN NEW PRECINCT.

Legislative  
Records of the  
Council, xiv.,  
394.

House Jour-  
nal, pp. 25, 26.  
*Ante*, p. 488,  
chap. 48.

*Ordered*<sup>1</sup> that M<sup>r</sup> Ebenezer Johnson a principal Inhabitant of the Precinct lately formed & granted out of that Part of Woburn called Shawshin be & hereby is fully authorized & impowered to notify the Free holders, & other Inhabitants of said Precinct to assemble & convene in some publick Place in said Precinct as soon as conveniently may be, requiring them to chuse all Precinct Officers to stand until the next annual Election in March. [*Passed September 17.*]

## CHAPTER 52.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PAW-  
TUCKET BRIDGE, ALLOWING THEM, £3. 17. 8 FOR THEIR SERVICES  
AND DIRECTING THE OLD IRON TO BE SOLD.

Legislative  
Records of the  
Council, xiv.,  
396. Mass.  
Archives,  
cxxi., 166.

Mass.  
Archives,  
cxxi., 167.  
House Jour-  
nal, p. 23.  
*Ante*, p. 474,  
chap. 10.

CHARLES CHURCH ESQ<sup>r</sup> for the Committee appointed to demolish Patucket Bridge gave in the following Report; viz,

The Committee within named repaired to the great Bridge over Patucket River on the twenty first of July 1730, & there joined with William Jenks Esq<sup>r</sup> impowered & appointed on the Part of the Governm<sup>t</sup> of Rhode Island & Providence Plantation; And by Order of both Governments We then & there demolished the said Bridge.

By Order of the within Committee, CHARLES CHURCH.

Read and

*Ordered* That this Report & Acco<sup>t</sup> be allowed & That the sum of Three pounds Seventeen shillings & Eight pence be allowed & paid out of the publick Treasury to Charles Church Esq<sup>r</sup> to be by him paid to whom it is due in full discharge thereof & that Cap<sup>t</sup> John Foster be desired and impowered to make Sale of that part of the Iron which came out of the Bridge in the hands of Nathaniel Jenks belonging to this province to the best Advantage & that he remit the proceeds thereof to the province Treasurer. [*Passed September 17.*<sup>2</sup>]

<sup>1</sup> The House Journal reads, "*Voted.*"

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is September 18.

## CHAPTER 53.

## ORDER IMPOWERING SUSANNAH HARRIS TO SELL A HOUSE AND LAND.

ON THE PETITION of Susannah Harris [*ante*, p. 388, chap. 257]  
Read &

Legislative  
Records of the  
Council, xiv.,  
390.

*Ordered* that the Petition<sup>r</sup> be & hereby is empowered to make Sale of the House & Land within mentioned; And that the Overseers of the Poor of the Town of Boston for the time being be desired to assist the Petitioner in the Sale thereof; The Produce of of<sup>1</sup> the said Sale to be received by the said Overseers; The Income thereof to be improved for the Use of the said Susannah Harris during her Life; & the principal Sum to be secured for the Heirs of the said Susannah Harris, or in Default thereof to Hannah Palfrey & Elisabeth Dutch & their Heirs, agreeable to the Will of the Petitioners Father Richard Harris.

House Jour-  
nal, pp. 12, 13,  
33. *Ante*,  
p. 459, chap.  
137.

Provided that the Creditors of Richard Harris Dec<sup>d</sup> be not bar'd of their Right of Action for Recovery of their just Debts out of the said Estate. [*Passed September 18.*<sup>2</sup>

## CHAPTER 54.

ORDER ON ROBERT WARDS PETITION ALLOWING AN EXECUTION FOR  
BALANCE OF AN ACCOMPT.

ON THE PETITION of Robert Ward, [*ante*, p. 481, chap. 34]

Legislative  
Records of the  
Council, xiv.,  
396.

Read together with the Answer of Benjamin Gallop; & the same being fully considered,

*Ordered* that the two Judgments obtained by the Petition<sup>r</sup> against the said James Shea for the sum of Eighty nine Pounds thirteen shillings & one peny shall be & hereby are declared & ordered to be accounted as Part Satisfaction of the Judgment obtained against him by the said James Shea for One hundred Pounds & Costs; And the Petitioner is bar'd from taking out Execution on either or both of the said Judgments; And the Clerk of the Superior Court of Judicature for the County of Suffolk is not allowed to issue out Execution on the said Judgment obtained against the Petitioner for more than Ten Pounds six shillings & eleven pence & Costs of Court; Which is the just Balance of the said Judgments between the Petitioner, & the said Shea & due to the s<sup>d</sup> Shea; Any Law Usage or Custom to y<sup>e</sup> contrary notwithstanding. [*Passed September 18.*

House Jour-  
nal, p. 26.  
*Ante*, p. 481,  
chap. 34.

## CHAPTER 55.

## ORDER ALLOWING £10 TO JAMES CORS.

A PETITION of James Cors of Deerfield, Praying for some Allowance out of the publick Treasury towards defraying the Expences of his Journey to Canada for redeem<sup>s</sup> some of his Relations out of Captivity, he being thereby able to serve the Govern<sup>t</sup> as a Pilot in case of War.

Legislative  
Records of the  
Council, xiv.,  
397.

Read &

House Jour-  
nal, p. 9.

<sup>1</sup> *Sic.*

<sup>2</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is September 11.

*Ordered* that the sum of Ten Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Ebenezer Wright & by him paid to the Petitioner James Cors. [*Passed September 18.*]

## CHAPTER 56.

ORDER ALLOWING 42/ TO DAVID HOW.

Legislative  
Records of the  
Council, xiv.,  
397.

AN ACCOMPT presented by David How of his time & expence in attending the House of Represent<sup>ves</sup> in the Case of Robert Allen the last Fall Session, Amounting to the sum of £3. 2.

House Jour-  
nal, p. 8.  
*Ante*, p. 452,  
chap. 117.

[Read and]

*Ordered*<sup>1</sup> that the sum of Forty two shillings be allowed & paid out of the publick Treasury to M<sup>r</sup> Ebenezer Wright by him to be paid to the Accomptant David How in full discharge of this Accompt. [*Passed September 18.*]

## CHAPTER 57.

ORDER ALLOWING £24. 1 TO BARTH. GREEN.

Legislative  
Records of the  
Council, xiv.,  
398.

AN ACCOMPT presented by Bartholemew Green of Printing for the Government with Paper from the 12<sup>th</sup> of Septem<sup>r</sup> 1728, to the 18<sup>th</sup> of June 1730, Amounting to the sum of £24. 1.

House Jour-  
nal, p. 29.

[Read, Accepted, and]

*Ordered* that the sum of Twenty four Pounds one shilling be allowed & paid out of the publick [Treasury]<sup>2</sup> to the Accomptant in full discharge of this Accompt. [*Passed September 18.*]

## CHAPTER 58.

ORDER ALLOWING £52 TO THO. FLEET.

Legislative  
Records of the  
Council, xiv.,  
398.

AN ACCOMPT presented by Thomas Fleet, of Printing the Votes of the Represent<sup>ves</sup> for the Sessions held in Novem<sup>r</sup> 1729, & in May last Amounting to the sum of £52.

House Jour-  
nal, p. 29.

[Read, Accepted, and]

*Ordered* that the sum of Fifty two Pounds be allowed & paid out of the publick Treasury to the Accomptant in full discharge of the said Accompt. [*Passed September 18.*]

## CHAPTER 59.

ORDER ALLOWING PAYMENT OF CPT. JOS. HEATHS MUSTER ROLL.

Legislative  
Records of the  
Council, xiv.,  
399.

A MUSTER ROLL of the Garrison at Richmond Fort under the Command of Cpt. Joseph Heath, Containing an Accompt of Wages due to them for their Service from the 7<sup>th</sup> of Novem<sup>r</sup> 1729, to the first of July 1730, Amounting to the sum of £449. 17. 3.

House Jour-  
nal, p. 30.

<sup>1</sup> The House Journal reads, "*Resolved.*"

<sup>2</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 454.



Read, [Accepted,] &

*Ordered* that the sum of Four hundred & forty nine Pounds seventeen shillings & three pence be allowed & paid out of the publick Treasury to the within named Cpt. Heath, to be by him paid to the Officers & Soldiers born on this Roll, to whom the same is respectively due, in full discharge of the Wages thereof. [*Passed September 19.*]

## CHAPTER 60.

ORDER ALLOWING £402. 8. 6 TO CPT. JN<sup>O</sup> LARRABEES VICTUALLING ACC<sup>T</sup> WITH £15 FOR EXTRA EXPENSES AND FURTHER ADVANCING HIM £300.

AN ACCOMPT presented by Cpt. John Larrabee of the Charge of victualling his Majestys Garrison at Castle William from Novem<sup>r</sup> 17. 1729, to June 28. 1730, Amounting to the sum of £602. 8. 6; Money advanced being £200 Ballance remaining due is the sum of £402. 8. 6.

[Read, Accepted, and]

*Ordered* that the sum of Four hundred & two Pounds eight shillings & six pence be allowed & paid out of the publick Treasury to the Accountant John Larrabee, to ballance this Accompt of Victualling; And that the further sum of Fifteen Pounds be allowed & paid out of the publick Treasury to Lieut. John Larrabee in Consideration of his extraordinary Table Expences at Castle William the last Year; And further to enable him to victual the said Garrison the six months Curr<sup>t</sup> that the sum of Three hundred Pounds be advanced to him out of the publick Treasury, M<sup>r</sup> Treasurer taking security of him to account for the said Sum. [*Passed September 19.*]

Legislative  
Records of the  
Council, xiv.,  
339.

House Jour-  
nal, p. 31.  
*Ante*, p. 44,  
chap. 107.

## CHAPTER 61.

ORDER OF NOTICE ON JOHN GREENS PETITION FOR A NEW TRIAL OF AN ACTION.

A PETITION of John Green of Boston Cooper Praying to be admitted to a new Trial of an Action the Petitioner commenced against M<sup>r</sup> Andrew Faneuil as Administ<sup>r</sup> of the Estate of Henry Franklin Dec<sup>d</sup> The Cause being carried against him (as he suggests) by some unfair Management of the Jury, Of which he can make good Proof.

Read &

*Ordered* that the Petitioner serve the adverse Party with a Copy of the Petition that so he may shew cause if any [he]<sup>1</sup> hath, on the first Thursday of the next Session of this Court, why the Prayer thereof should not be granted. [*Passed September 19.*]

Legislative  
Records of the  
Council, xiv.,  
339.

House Jour-  
nal, pp. 32, 34.

## CHAPTER 62.

ORDER IMPOWERING THE INHABITANTS OF DUNSTABLE TO CHOOSE A SELECT MAN.

A PETITION of William Harwood & others Inhabitants of the Town of Dunstable, Shewing that by reason of some Mistakes in their Pro-

Legislative  
Records of the  
Council, xiv.,  
339.

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 455.

House Journal, p. 28.

ceedings as to the Choice of Selectmen, they have but two that have accepted that Office, Praying that the said two Select men may be empowered to call a Town Meeting for the Choice of a third as also for the transacting of other necessary Business of the said Town.

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the two present Selectmen of the Town of Dunstable be & hereby are directed as soon as may be to assemble the Free holders & other Inhabitants of said Town duly qualified to vote in Town Affairs to chuse an other Select man; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed September 19.*]

## CHAPTER 63.

ORDER ALLOWING £20. 12. 2 TO CPT. JOS. HEATH.

Legislative Records of the Council, xlv., 400. Mass. Archives, xxxi., 168.

AN Accompt presented by Cpt. Joseph Heath of Disbursements for entertaining the Indians at divers times at the Trading House. Agreeable to the Order of this Court, Amounting to the sum of £20. 12. 2.

Read accepted and

Mass. Archives, xxxi., 167. House Journal, pp. 30, 31. *Ante*, p. 252, chap. 80.

*Ordered* That the sum of twenty Pounds twelve shillings and two pence be allowed and paid out of the publick Treasury to the above-named Joseph Heath in full Discharge of his Acco<sup>t</sup>. [*Passed September 19.*]

## CHAPTER 64.

ORDER ALLOWING £59. 17 TO CPT. JN<sup>o</sup> LARRABEE.

Legislative Records of the Council, xlv., 400.

House Journal, p. 31.

AN Accompt presented by Cpt. John Larrabee of sundry Repairs at his Majestys Castle William Amounting to the sum of £62. 10.

[Read, Accepted, and]

*Ordered* that the sum of Fifty nine Pounds seventeen shillings be allowed & paid out of the publick Treasury to the Accomptant John Larrabee, to be by him paid to whom it is due, to discharge the said Accompt. [*Passed September 19.*]

## CHAPTER 65.

ORDER ALLOWING PAYMENT OF CPT. THO. SAUNDERS MUSTER ROLL.

Legislative Records of the Council, xlv., 400.

House Journal, p. 30.

A MUSTER ROLL of Cpt. Thomas Saunders, Master of the Sloop Endeavour a Transport in his Majestys Service, Containing an Accompt of Wages due to him self & Company & the Hire of the Sloop from Septem<sup>r</sup> 12. 1729, to May 28. 1730, Amounting to the sum of £323. 15.

[Read, Accepted, and]

*Ordered* that the sum of Three hundred & twenty three Pounds fifteen shillings be allowed & paid out of the publick Treasury to the said Thomas Saunders to be by him paid to whom it is due in full discharge of the Wages & Sloop Hire thereof. [*Passed September 19.*]

## CHAPTER 66.

ORDER ALLOWING £32. 0. 5 TO M<sup>r</sup> DAN<sup>l</sup> POWNING.

AN ACCOMPT presented by M<sup>r</sup> Daniel Powning Keeper of the Powder house of Expences for Coal, Candles, Watch mens Wages &c, and for his own Salary as likewise Credit for Storage of Gun Powder from August 1729, to June 1730, Ballance due to the said Powning being £32. 0. 5.

Legislative  
Records of the  
Council, xiv.,  
400.

Read & Accepted &

House Jour-  
nal, p. 30.

*Ordered* that the sum of Thirty two Pounds & five pence (the Balance above) be allowed & paid out of the publick Treasury to the Accomptant in full discharge of said Accompt. [*Passed September 19.*]

## CHAPTER 67.

ORDER ALLOWING £5. 16. 6 TO JOS. MARION.

AN ACCOMPT presented by Joseph Marion of Writing done for the Publick to this time, Amounting to the sum of £5. 16. 6.

Legislative  
Records of the  
Council, xiv.,  
400.

[Read, Accepted, and]

*Ordered* that the sum of Five Pounds sixteen shillings & six pence be allowed & paid out of the publick Treasury to the Accomptant in full discharge of this Accompt. [*Passed September 19.*]

House Jour-  
nal, p. 29.

## CHAPTER 68.

ORDER ALLOWING £31. 1. 7 TO SHER. WINSLOW.

AN ACCOMPT presented by Edward Winslow Sheriff of the Charge of Entertaining the Lieuten<sup>t</sup> Governor & Council & other Gentlemen at the Council Chamber on the Anniversary Day of his Majestys Accession, Amounting to the sum of £31. 1. 7.

Legislative  
Records of the  
Council, xiv.,  
400.

[Read, Accepted, and]

House Jour-  
nal, pp. 29, 30.

*Ordered* that the sum of Thirty one Pounds one shilling & seven pence be allowed & paid out of the publick Treasury to the Accomptant in full discharge of this Accompt. [*Passed September 19.*]

## CHAPTER 69.

ORDER ALLOWING PAYMENT OF CPT. JOHN GYLES MUSTER ROLL.

A MUSTER ROLL of the Garrison at the Truck house on S<sup>t</sup> Georges River under the Command of Cpt. John Gyles, Containing an Accompt of Wages due to them for their Service from the 17<sup>th</sup> of June 1729, to the 30<sup>th</sup> of April 1730. Amounting to the sum of £557. 4. 6.

Legislative  
Records of the  
Council, xiv.,  
401.

[Read, Accepted, and]

House Jour-  
nal, p. 31.

*Ordered* that the sum of Five hundred & fifty seven Pounds four shillings & six pence be allowed & paid out of the publick Treasury to Cpt. John Gyles, to be by [him]<sup>1</sup> repaid to the Officers and Soldiers born on this Roll respectively or their Orders. [*Passed September 19.*]

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 457.

## CHAPTER 70.

## ORDER IMPOWERING MARTHA HUNT TO SELL LAND.

Legislative  
Records of the  
Council, xiv.,  
401.

House Jour-  
nal, p. 32.

A PETITION of Martha Hunt Relict Widow of Thomas Hunt late of Sudbury in the County of Middlesex Dec<sup>d</sup> Setting forth that there are considerable Debts due from her said Husbands Estate beyond what the personal Estate will satisfy; And therefore Praying that she may be enabled by an Order of this Court to sell the real Estate for clearing the Debts due thereon as aforesaid.

Read &

*Ordered* that the Prayer of the Pe[tit]ion be granted, & that the Petition<sup>r</sup> Martha Hunt be & hereby is impowered to make Sale of the Tenements & Lands mentioned in the Petition, & that the Petitioner pay out of the Proceeds thereof the remaining Debts of her Deceased Husband Thomas Hunt, & that she give Bond with sufficient Sureties to the Judge of Probate for the County of Middlesex to be accountable to him for the Remainder thereof. [*Passed September 19.*]

## CHAPTER 71.

## ORDER ALLOWING £209. 6. 9 FOR THE REPAIRS OF THE PROVINCE HOUSE.

Legislative  
Records of the  
Council, xiv.,  
402.

House Jour-  
nal, p. 34.  
*Ante*, p. 471,  
chap. 1.

AN ACCOMPT presented by Edward Winslow Esq<sup>r</sup> of Repairs of the Province house. Amounting to the sum of £359. 6. 9 Advanced to the Committee £150 Remains due to Ballance £209. 6. 9.

[Read Accepted, and]

*Ordered* that the sum of Two hundred & nine Pounds six shillings & nine pence<sup>1</sup> be allowed & paid out of the publick Treasury to the Accomptant, to be by him repaid as it is due. [*Passed September 21.*]

## CHAPTER 72.

## ORDER OF NOTICE ON GEO. DUNBARS PETITION TO ENABLE HIM TO FILE A COMPLAINT.

Legislative  
Records of the  
Council, xiv.,  
402.

House Jour-  
nal, p. 37.

A PETITION of George Dunbar of Rhode Island, Shewing that he commenced an Action at the Inferior Court of Common Pleas for the County of Bristol against Isaac Reynolds for Money due to the Petition<sup>r</sup> by Bond; & recovered Judgment against him; from which he appealed to gain time; And the Petitioner confided in his Attorney for doing what was necessary at the Superior Court; but his Attorney died a little before the Sitting of the s<sup>d</sup> Court; & the Petitioner thro<sup>o</sup> his Ignorance of the Practice of the Courts of this Province, as well as of the State of his own case, neglected filing his Complaint against the said Reynolds for not prosecuting his Appeal. And therefore Praying that he may be enabled by an Order of this Court to file his Complaint at the Superior Court in y<sup>e</sup> County for obtaining a Confirmation of the former Judgment.

Read &

<sup>1</sup> The House Journal reads, £209. 0. 6.

*Ordered* that the Petitioner cause the adverse Party to be served with a Copy of the Petition, that so he give in his Answer thereto on the first Tuesday of the next Session of this Court. [*Passed September 21.*]

## CHAPTER 73.

### ORDER ALLOWING PAYMENT ON CASTLE WILLIAM MUSTER ROLL.

A MUSTER ROLL of the Garrison at his Majestys Castle William late under the Command of the Hon<sup>ble</sup> William Dummer Esq<sup>r</sup> Containing an Accompt of Wages due to them for their Service from Novem<sup>r</sup> 17. 1729, to June 28. 1730, Amounting to the sum of £630. 19. 6.

Legislative  
Records of the  
Council, xiv.,  
403.

House Jour-  
nal, p. 38.

[Read, Accepted, and]

*Ordered* that the sum of Five hundred & ten Pounds three shillings & eleven pence Exclusive of what is carried out to Joseph Russell & Richard Crocker Dec<sup>d</sup> born on said Roll, be allowed & paid out of the publick Treasury to the Hon<sup>ble</sup> William Dummer Esq<sup>r</sup> & the other Officers & Soldiers born on said Roll in full of the Wages due to them; And that the further sum of Twenty Pounds five shillings & eleven pence; viz, Twelve Pounds five shillings & eleven pence to Joseph Russell, & Seven Pounds nineteen shillings & eight pence to Richard Crocker be allowed & paid out of the publick Treasury to Lieutenant John Larrabee to enable him to pay the respective Funeral Charges of the said Russell & Crocker; & what they were indebted for Slops at the said Garrison; the Remainder of what is respectively [due]<sup>1</sup> to them the said John Larrabee to be accountable for & to pay to their respective lawful Represent<sup>ves</sup> of the s<sup>d</sup> Joseph Russell & Richard Crocker. [*Passed September 22.*]

## CHAPTER 74.

### ORDER ON PETITION OF PETER LUCE & OTH<sup>RS</sup> OF SUDBURY TO BE SET OFF TO THE TOWN OF STOW.

A PETITION of Peter Luce & divers others belonging to the Town of Sudbury living on the North west side of Elisabeth River, Shewing their great Inconvenience in attending the publick Worship & other Duties in the said Town of Sudbury, & their commodious situation for the Town of Stow And therefore Praying that with their Families & Estates they may be set off from the said Town of Sudbury & annexed to the Town of Stow<sup>2</sup> to all Intents & Purposes, so that the said River be the Boundary of the said two Towns.

Legislative  
Records of the  
Council, xiv.,  
404.

House Jour-  
nal, p. 39.

Read &

*Ordered* that the Petitioners serve the Select men of the Town of Sudbury with a Copy of the Petition that so they may shew cause, if any they have on the second Wednesday of the next Sitting of this Court why the Prayer thereof sh<sup>d</sup> not be granted. [*Passed September 22.*]

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 460.

<sup>2</sup> The words "And therefore praying . . . Stow" are inserted from the State Library copy, Legislative Records of the Council, xiv., 460.

## CHAPTER 75.

ORDER OF NOTICE ON JAC. AUSTINS PETITION FOR A NEW TRIAL TO THE NEXT SESSION, AND GRANTING A STAY OF EXECUTION.

Legislative  
Records of the  
Council, xiv.,  
404.

House Jour-  
nal, pp. 18, 39.

A PETITION of Jacob Austin of Sutfield, Shewing that Noah Ashley commenced an Action of Trespass against him before Mr Justice Stoddard, who gave Judgment for the Plaintiff; from which the Petitioner appealed to the Inferior Court of Common Pleas, but thro' an unavoidable Disappointment he failed of entering his Action on the first day of the Term, & could not obtain Leave for entering it afterwards, Praying for an Order of this Court to enable him to enter the said Appeal at the next Inferiour Court of Common Pleas for the said County.

Read &

*Ordered* that the Petitioner serve the adverse Party with a Copy of this Petition, that so he may give in his Answer thereto on the first Monday of the next Session; & that Execution of the Judgment within mentioned be stayed in the mean time. [*Passed September 22.*]

## CHAPTER 76.

ORDER OF NOTICE ON RICH<sup>d</sup> AUSTINS PETITION FOR A SETTLEMENT OF LAND AT HOUSATANUCK.

Legislative  
Records of the  
Council, xiv.,  
404.

House Jour-  
nal, p. 38.  
Province  
Laws, x., 189,  
chap. 82.

A PETITION of Richard Austin, Shewing that he was admitted as a Proprietor of the lower Township of Housatanuck by the Committee for managing the Affairs of the said Town & drew his Lot for a Settlement, & has performed the Conditions thereof, but has been deprived of his Right by the said Committee, Praying that he may be restored to it.

Read &

*Ordered* that the Petitioner serve the Committee of the lower Township at Housatanuck with a Copy of the Petition, that they make Answer to the Matters alledged in the Petition on the second Tuesday of the next Session; & that they be directed to lay their Accompts relating to the Settlement of the said Housatanuck before the said Court at the said time. [*Passed September 22.*]

## CHAPTER 77.

ORDER ON CHA. HOBBS PETITION IN REGARD TO A JUDGMENT.

Legislative  
Records of the  
Council, xiv.,  
403.

House Jour-  
nal, p. 41.  
*Ante*, p. 481,  
chap. 33.

ON THE PETITION of Charles Hobby [*ante*, p. 481, chap. 33]

Together with the Answer of Robert Wingham; & the same fully considered,

*Ordered* that the Prayer of the Peti[tion] be so far granted as that Upon the Petitioners satisfying the Judgment recovered against Robert Wingham by William Davison & Edith his Wife such sum by him so paid shall be accounted a discharge so far [for]<sup>1</sup> the Effects belonging to the said Wingham in the hands of the Petitioner. [*Passed September 23.*<sup>2</sup>]

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 459.

<sup>2</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is September 22.

## CHAPTER 78.

ORDER OF NOTICE ON PETITION OF JACOB & PIERSON RICHARDSON  
TO REVIEW AN ACTION.

A PETITION of Jacob Richardson & Pierson Richardson, Praying to be admitted to a new Trial of an Action brought against them by Job Richardson at the Inferior Court of Common Pleas for the County of Middlesex for nine Acres of Land, which they hold by vertue of their Grand fathers Will the said Job Richardson having recovered Judgment against them upon the Review at the last Superior Court by reason of some Mistake the Jury were under at that Trial.

Read &

*Ordered* that the Petitioner serve the adverse Party with a Copy of this Petition, that so they may shew cause, if any they have on the second Tuesday of the next Session why the Prayer thereof sh<sup>d</sup> not be granted, & that Execution be staid in the mean time. [*Passed September 23.*]

Legislative  
Records of the  
Council, xiv.,  
406.

House Jour-  
nal, p. 43.

## CHAPTER 79.

## ORDER FOR £700 STERL. FOR THE USE OF THE HOUSE.

In the House of Represent<sup>ves</sup>

*Ordered* that the Treasurer of the Province supply the Agent or Agents to be appointed with the sum of One thousand Pounds Sterling in the best manner he can to be by him or them put into the Bank of England or some of the Stocks there to ly for the Use of this Govern<sup>t</sup> to be employed as the publick Service may call for; Three hundred Pounds part thereof to be employed as the Governor & Council from time to time shall advise & direct for the publick Weal of the Province; The remaining Seven hundred Pounds of the principal Sum for such Uses as the House of Represent<sup>ves</sup> shall order for the ends afore said; The above said Agent or Agents to be accountable to this Court for the principal sum put into his or their hands & the Profits arising therefrom: In Council; Read & Concur'd so far as relates to the Seven hundred Pounds to be applied as the House of Represent<sup>ves</sup> shall order for the publick Weal of the Province

In the House of Repres<sup>ves</sup> Read & Concur'd. [*Passed September 23.*<sup>1</sup>]

Legislative  
Records of the  
Council, xiv.,  
407.

House Jour-  
nal, pp. 35, 41.  
*Post*, p. 514,  
chap. 127.

## CHAPTER 80.

ORDER ALLOWING £5. 0. 1 TO JOS. WILDER ESQ<sup>r</sup> & OTHERS.

AN ACCOUNT presented by Joseph Wilder Esq<sup>r</sup> Cpt. Samuel Willard & Cpt. John Shipley of their time & expence in a Message to the Indians by Order of the Lieuten<sup>t</sup> Governor, Amounting to the sum of £5. 0. 1.

Read and

*Ordered* that the Sum of five Pounds and one Penny be Allowed and paid out of the publick Treasury to the Accountants abovenamed or their Order in full Discharge of the s<sup>d</sup> Account. [*Passed September 24.*<sup>2</sup>]

Legislative  
Records of the  
Council, xiv.,  
405. Mass.  
Archives,  
xxxI., 169.

House Jour-  
nal, p. 41.

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is September 24.

<sup>2</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is September 23.

## CHAPTER 81.

## ORDER OF NOTICE ON PETITION OF THE WEST PRECINCT IN AMESBURY ABOUT PARSONAGE LANDS.

Legislative  
Records of the  
Council, xiv.,  
408.

House Jour-  
nal, p. 42.  
Province  
Laws, xi., 578,  
chap. 6.

A PETITION of the Inhabitants of the West Precinct of Amesbury Setting forth that in the Division of the said Town into two Parishes it was agreed that the Parsonage Land in the East Parish sh<sup>d</sup> be for the Use of both Ministers, & that upon that Condition, the Petitioners should pay towards the support of M<sup>r</sup> Wells their ancient Minister, but the East Precinct have denied the Petitioners any benefit of the said Parsonage Land, and yet have sued them at the General Sessions of the Peace for the County of Essex for their support of their ancient Minister, & have obtained an Order ag<sup>t</sup> them, Praying that by an Order of this Court they may either be discharged of their Expence or have the benefit of the Parsonage Land for the support of their own Minister according to Agreement as aforesaid

Read &

*Ordered* that the Petition<sup>rs</sup> serve the East Parish in Amesbury with a Copy of the Petition that so they may shew cause, if any they have, on the second Wednesday of the next Session why the Prayer thereof may not be granted. [*Passed September 24.*]

## CHAPTER 82.

RESOLVE ALLOWING THE CO. TREAS<sup>r</sup> OF ESSEX HIS ACC<sup>t</sup>.

Legislative  
Records of the  
Council, xiv.,  
408.

House Jour-  
nal, p. 39.

AN ACCOMPT presented by John Appleton Esq<sup>r</sup> Treasurer of the County of Essex for the Year 1729, Having been laid before the Court of General Sessions of the Peace for the said County & by them allowed.

Read Accepted & Allowed. [*Passed September 25.*]

## CHAPTER 83.

ORDER ALLOWING £500 STERL. FOR THE USE OF THE GEN<sup>l</sup> COURT.

Legislative  
Records of the  
Council, xiv.,  
408.

House Jour-  
nal, p. 41.  
*Ante*, p. 499,  
chap. 79.

*Ordered* that the Treasurer of the Province supply the Agent or Agents that shall be appointed by this Court with the sum of Five hundred Pounds Sterling in the best way he can, to be by him or them put into the Bank of England or some of the Stocks there, to ly for the Use of this Governm<sup>t</sup> to be employ'd as this Court shall from time to time direct & order: The aforesaid Agent or Agents to be accountable to this Court for the principal sum & the Profits arising therefrom. [*Passed September 25.*]



## CHAPTER 84.

ORDER ALLOWING £1,500 TO FRANCIS WILKS ESQ<sup>R</sup>.

*Order'd* That the Sum of Fifteen Hundred Pounds be advanced & paid out of the publick Treasury to Francis Wilks Esq, or his Order in Consideration of his Services in the Agency for the House of Representatives; as also for Other Services by Him done at Sundry times by Direction of this Court. [*Passed September 25.*]

Legislative  
Records of the  
Council, xiv.,  
408. Mass.  
Archives, xx.,  
262.

House Jour-  
nal, p. 118  
(December,  
1728); p. 48.  
*Ante*, p. 187,  
chap. 141.

## CHAPTER 85.

ORDER ALLOWING PAYMENT OF CPT. JOS. KELLOGS MUSTER ROLL.

A MUSTER ROLL of the Garrison in his Majestys Service at the Truck house above Northfield, Containing an Accompt of Wages due to them for their Service from the 19<sup>th</sup> of August 1729 to the 6<sup>th</sup> of July 1730 under the Command of Cpt. Joseph Kellog, Amounting to the sum of £402. 7. 6.<sup>1</sup>

Read and

*Ordered* That the Sum of four hund<sup>d</sup> and two Pounds Seventeen Shillings and fi'pence be allowed and paid out of the Publick Treasury to the Officers and soldiers born on Said Roll, or their Order, in full Discharge of the Wages thereof. [*Passed September 25.*]

Legislative  
Records of the  
Council, xiv.,  
409. Mass.  
Archives, xci.,  
263.

House Jour-  
nal, p. 40.

## CHAPTER 86.

ORDER EMPOWERING JOSEPH EPHRAIM JUNE<sup>R</sup> AN INDIAN TO SELL LAND.

A MEMORIAL of Joseph Ephraim Jun<sup>r</sup> of Natick Indian Setting forth that by reason of much Sickness he hath contracted several Debts, which he is not able to pay, And therefore Praying to be enabled by this Court to sell ten Acres of Land in Natick for clearing his Debts as aforesaid, and supporting his Family with the Remainder.

Upon which the following Vote pass'd both Houses; viz,

*Ordered* that the Petition<sup>r</sup> be & hereby is impowered to make Sale of the ten Acres of Land which the Petition<sup>r</sup> purchased herein refer'd to; And that Francis Fulham Esq<sup>r</sup> & M<sup>r</sup> John Death be desired & appointed to see that Justice be done, & the Land be sold for the most it will fetch, & that the Proceeds thereof be used & disposed of for the payment of the Petitioners Debts first, & otherwise as his Necessities call for. [*Passed September 25.*]

Legislative  
Records of the  
Council, xiv.,  
409.

Legislative  
Records of the  
Council, xiv.,  
180, 186. House  
Journal, pp. 19,  
50, 51.

<sup>1</sup> The amount called for in the muster roll itself is £402. 17. 5, corresponding to the allowance made in the order.

## CHAPTER 87.

## ORDER APPOINTING A COMMITTEE ON THE PETITION OF DIVERS INHABITS OF THE WEST PART OF TAUNTON.

Legislative  
Records of the  
Council, xiv.,  
409.

Legislative  
Records of the  
Council, xiv.,  
397. Mass.  
Archives, xl,  
486. House  
Journal, p. 51.

A PETITION of William Briggs & a great Number of others Inhabitants of the West Part of the Town of Taunton, Setting forth their great Difficulties in attending on the publick Worship of God in the Body of the Town Praying that they may be set off a separate Precinct or that they may be allowed a Minister to settle among them, to be maintained with the other Ministers by a general Rate of the whole Town, or at least that a Committee may be appointed to view & consider their Circumstances & report their Opinion hereon to this Court.

Read &

*Ordered* that this Petition be committed to the Committee appointed on the Petition of the North easterly Inhabitants of Taunton, to view & consider the Situation & Circumstances of the Petitioners & of the Town of Taunton, giving seasonable Notice to the said Town of the Time of their coming; The Charge to be born by the Petition<sup>rs</sup>. [*Passed September 25.*]

## CHAPTER 88.

## ORDER DIRECTING THE TREASURER TO FURNISH SUPPLIES AS PER INDENT FOR CASTLE WILLIAM.

Legislative  
Records of the  
Council, xiv.,  
410.

House Jour-  
nal, p. 50.

AN INDENT of Stores necessary for his Majestys Castle William presented by William Barnsdale Gunner of said Castle.

Read &

*Ordered* that the Treasurer be & hereby is directed to supply the said William Barnsdale with the Articles mentioned in the said Indent. [*Passed September 25.*]

## CHAPTER 89.

## ORDER CONFIRMING PLAT OF 500 ACRES OF LAND TO ARTHUR BRAGDON.

Legislative  
Records of the  
Council, xiv.,  
410. Maps and  
Plans, vii., 6.

Mass.  
Archives,  
cxviii., 32.  
House Jour-  
nal, p. 44.  
*Ante*, p. 349,  
chap. 144.

A PETITION of M<sup>r</sup> Arthur Bragdon Praying the Confirmation of a Plat of One hundred Acres of Land (therewith exhibited) laid out by a Survey<sup>r</sup> & Chain men on Oath to fulfill a Grant made by the General Court in July 1728, to the Petitioner; the said Land lying on Newitahawonock River in the County of York, beginning at a red Oak Tree mark'd A B, running North East & by East one hundred & sixty poles; then South west & by West one hundred & sixty<sup>1</sup> poles to the said River & by the said River to the first mention'd Station

Read and

*Ordered* that the Land within delineated and described be and hereby is confirme'd unto the within named Arthur Bragdon his heirs and assigns forever Provided the same exceed Not the Quantity of one hund<sup>d</sup> Acres nor interfere with any other or former Grant. [*Passed September 25.*]

<sup>1</sup> The State Library copy, Legislative Records of the Council, xiv., 467, reads, "One hundred & fifty six poles," which is correct; it is so written on the plat itself.

## CHAPTER 90.

ORDER THAT THE PURCHASERS OF HASSANIMISCO LANDS, PAY THE CHARGE OF SURVEY &c.

A PETITION of John Sherman, Phineas Rice & Jonas Houghton in behalf of the English Purchasers & Settlers of Hassanimisco, Praying this Court to explain their Order on the Conditions of their Purchase Whether it was intended to oblige them to defray the Charges of laying out y<sup>e</sup> Indians Lands

Legislative  
Records of the  
Council, xiv.,  
410.

House Jour-  
nal, pp. 49, 50.  
*Ante*, p. 343,  
chap. 128.

Read &

*Ordered* that the English Purchasers of y<sup>e</sup> Lands at Hassanimisco ought to pay the whole Charge of surveying & laying out the Lands there as well what is reserved to the Indians as what belongs to themselves. [*Passed September 25.*]

## CHAPTER 91.

ORDER OF NOTICE ON DAN<sup>L</sup> EASTABROOKS PETITION FOR A NEW TRIAL OF HIS ACTION AGAINST LYDIA DRAPER.

A NEW PETITION of Daniel Eastabrook [*ante*, p. 475, chap. 12], Setting forth his Case with Lydia Draper, and, Praying for a new Trial of the said Cause

Legislative  
Records of the  
Council, xiv.,  
411.

Read &

*Ordered* that the Petitioner serve the adverse Party with a Copy of this Petition that so [she may]<sup>1</sup> shew cause, if any she have on the second Wednesday of the next Session, why the Prayer thereof should not be granted, And that Execution may be staid in the mean time. [*Passed September 25.*]

Legislative  
Records of the  
Council, xiv.,  
390, 398. House  
Journal, p. 47.  
*Ante*, p. 475,  
chap. 12.

## CHAPTER 92.

ORDER IMPOWERING HAN. WILSON AS EXECUTRIX TO SELL REAL ESTATE.

A PETITION of Hannah Wilson Widow & Executrix of Jonathan Wilson late of Newport in Rhode Island Dec<sup>d</sup> Shewing that his Personal Estate is insufficient to pay his Debts & Legacies, & that he hath left a Son who was born since the making his Will, And therefore Praying that she may be enabled to sell that Part of the real Estate which lies within this Province for paying the Debts & Legacies as afore said.

Legislative  
Records of the  
Council, xiv.,  
411.

House Jour-  
nal, p. 44.

Read &

*Ordered* that the Petitioner be & hereby is empowered to make Sale of the within named Deceaseds real Estate first giving publick Notice of the said Sale, and attending the Direction of the Law as when Leave is obtained of the Superior Court for the Sale of Lands, Provided the Petitioner give Security to the Judge of Probate for the County of Bristol, that the Produce of the said Sale together with the personal Estate of said Deceased in this Province be applied & distributed in the manner following; viz, the sum of Seven hundred & forty Pounds be applied

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 468.

for the Payment of the Debts, owing from the said Estate The Remainder of said Debts to be paid out of that Part of the said Estate inventoried in the Colony of Rhode Island; And the remaining sum of One thousand & fifty six Pounds (if the Estate can be sold according to the Apprizem<sup>t</sup>) to be distributed as follows; viz Five hundred & three Pounds for the only Sons double Share or Portion of this Part of the said Estate, & the further Sum of Two hundred & fifty one Pounds ten shillings for the Daughters Share thereof; & the like sum of Two hundred & fifty one Pounds ten shillings for the Widows Share & Proportion of the said Estate; & the Residue or remaining sum of Forty Pounds to be to the other Legatees (the said Deceaseds Children in Law) to be proportioned according to the respective sums given them in the Deceaseds Will; And if the Estate should be sold for a greater or lesser sum than it has been apprized at, In such case the Distribution shall be made pro Ratâ; & the Petition<sup>r</sup> be accountable to the Judge of Probate afore said for the Application & Distribution of the the<sup>1</sup> Proceeds accordingly. [*Passed September 26.*]

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## CHAPTER 93.

### ORDER ALLOWING £500 TO JONATHAN BELCHER.

Legislative  
Records of the  
Council, xiv.,  
412.

Legislative  
Records of the  
Council, xiv.,  
270. House  
Journal, p. 48.

*Ordered* that the sum of Five hundred Pounds be allowed & paid out of the publick Treasury to his Excellency Jonathan Belcher Esq<sup>r</sup> in consideration of his past services in the Agency of the House of Represent<sup>ves</sup>. [*Passed September 26.*]

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## CHAPTER 94.

### ORDER ALLOWING £177. 1. 2 TO REBECCA HOLMES.

Legislative  
Records of the  
Council, xiv.,  
412.

House Jour-  
nal, p. 26.  
*Ante*, p. 472,  
chap. 3.

AN ACCOMPT presented by M<sup>rs</sup> Rebecca Holmes of the Charge of entertaining the Governor, Council & other Gentlemen on the day of his Excellency's Arrival, Charges of Committees &c, Amounting to the sum of £177. 1. 2.

[Read and]

*Ordered* that the sum of One hundred & seventy seven Pounds one shilling, & two pence be allowed & paid out of the publick Treasury to the Accomptant Rebecca Holmes in full Discharge of the above written Accompt. [*Passed September 26.*]

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## CHAPTER 95.

### ORDER ALLOWING £1,503. 1. 1 TO THE SUBSCRIBERS OF FUNDS SENT TO Y<sup>e</sup> AGENTS OF THE HOUSE.

Legislative  
Records of the  
Council, xiv.,  
412.

Legislative  
Records of the  
Council, xiv.,

AN ACCOMPT presented by William Clark, John Alford Esq<sup>rs</sup> & M<sup>r</sup> William Foye, of Money raised by Subscription, & sent to the Agents of the House of Represent<sup>ves</sup> for enabling them to solicit their Affairs at the Court of Great Britain, Amounting to the sum of £1,503. 1. 1.  
[Read and]

<sup>1</sup> *Sic.*

*Ordered* that the sum of One thousand five hundred & three Pounds one shilling & one peny be allowed & paid out of the publick Treasury to the Accomptants, by them to be paid to the several Persons that subscribed & paid the afore said sum ; And that thereupon the said Francis Wilks be accountable for the Residue or Remainder now in his Hands. [Passed September 26.

220, 228, 236, 260, 291, 270, 311, 321, 328, 329, 333, 343, 349, 350, 351. House Journal, pp. 12, 13, 23, 24 (April, 1729); p. 47.

## CHAPTER 96.

### ORDER FOR A TOWN MEETING AT WILMINGTON.

*Ordered* that Samuel Dummer Esq<sup>r</sup> a principal Inhabitant of the Town of Wilmington, be & hereby is fully authorized & impowered to notify & warn the Freeholders & other Inhabitants of the said Town duly qualified to vote, to assemble & convene at some publick Place in the said Town to elect & chuse all Town Officers, to stand until the Anniversary Meeting in March next. [Passed September 28.]

Legislative Records of the Council, xiv., 411.

House Journal, pp. 12, 13, 23, 24 (April, 1729); p. 47.

## CHAPTER 97.

### ORDERS AFFIRMING THE VALIDITY OF A DEED.

THE COMMITTEE appointed by this Court on the Affair of Falmouth report thereon as followeth ; viz, We are humbly of Opinion that the Counterpart of the Deed made by the Hon<sup>ble</sup> Thomas Danforth Esq<sup>r</sup> President of the Province of Mayn, bearing date July 26. 1684, to Cpt. Edward Tyng & others in trust, be deemed & accepted as good & valid to the Persons therein concerned according to the true Intent, Purport & Meaning thereof ; & that it be entered & recorded in the Secretarys Office in Boston accordingly. By Order of the Committee. Septem<sup>r</sup> 25. 1730.

Legislative Records of the Council, xiv., 413.

Legislative Records of the Council, xiv., 404. House Journal, pp. 57, 58. *Ante*, p. 480, chap. 32.

SAM<sup>l</sup> THAXTER

In consideration of the frequent Devastations & Spoils made by Indians residing in those Parts in time of War in great probability the Deed signed by M<sup>r</sup> Danforth in his Capacity afore said may for some time have been mislaid or destroyed by fire or otherwise,

*Ordered* that the Grantees their Associates or Assigns mentioned in the Counter part of the Deed made by the said Danforth dated July 26. 1684, to Cpt. Edward Tyng & others in Trust containing a certain Tract or Parcel of Land lying within the Township of Falmouth in Casco Bay in the Province of Mayn afore said may if they see Cause have liberty to record the Counter part in the Secretarys Office & County of York formerly the Province of Mayn. [Passed September 29.

## CHAPTER 98.

### ORDER IMPOWERING ELEAZ. WARNER TO LAY OUT 50 ACRES OF LAND.

A PETITION of Eleazer Warner his Setting forth his Services for the Government, & his Losses sustained by the Indian War, & Praying for a Grant of Land from this Court in consideration thereof

Legislative Records of the Council, xiv., 413.

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is September 26.

House Jour-  
nal, p. 52.

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the Petitioner by a Survey<sup>r</sup> & Chain men on Oath be allowed to lay out fifty Acres of some of the unappropriated Lands of this Province & return a Plat thereof to this Court for Confirmation within the Space of twelve months. [*Passed September 29.*]

## CHAPTER 99.

ORDER APPOINTING A COMMITTEE AND REFERRING TO THE NEXT SESSION BENJ<sup>A</sup> ALLENS PETITION FOR CONFIRMATION OF LAND.

Legislative  
Records of the  
Council, xiv.,  
413.

House Jour-  
nal, pp. 43, 50.  
*Ante*, p. 437,  
chap. 71.

A PETITION of M<sup>r</sup> Benjamin Allen of Bridgwater Clerk Praying for Liberty to purchase the Right of the Province to the Gore of Land lying in Bridgwater six Mile Line, or else that the Court would confirm the Plat by him given of Two hundred Acres of Land, which is Part of said Gore.

In the House of Represent<sup>ves</sup> Read & Refer'd to the next Session of this Court, &

*Ordered* that M<sup>r</sup> Shove & M<sup>r</sup> John Foster of Plymouth with such as the Hon<sup>ble</sup> Board shall appoint be a Committee to repair to the Land petitioned for & make Inquiry into the Right the Province has to the Land within mention'd, first giving seasonable Notice to the Towns of Brantree, Dorchester, and Abingdon, Cpt. Enoch Lovel, & A[n]drew Ford of Weymouth of the Time of their coming, & make report to the next Session of this Court; In Council; Read & Concur'd, & William Dudley Esq<sup>r</sup> is joined in the Affair. [*Passed September 29.*]

## CHAPTER 100.

ORDER ALLOWING £5 TO SAM<sup>L</sup> FROTHINGHAM.

Legislative  
Records of the  
Council, xiv.,  
414. Mass.  
Archives,  
xlvi., 478.

House Jour-  
nal, p. 56.  
*Ante*, p. 472,  
chap. 3.

AN ACCO<sup>MT</sup> presented by Samuel Frothingham of Expences at the Battery in Charles town, on the Day when his Excellency the Governor arrived, Amounting to the sum of £5.

Read and accepted And

*Ordered* That the Sum of five Pounds be Allowed and paid out of the Publick Treasury to the accountant sam<sup>L</sup> Frothingham in full Discharge of this Acco<sup>t</sup>. [*Passed September 29.*]

## CHAPTER 101.

ORDER ALLOWING £142. 6. 2 TO SHER. WINSLOW.

Legislative  
Records of the  
Council, xiv.,  
414.

House Jour-  
nal, p. 56.

AN ACCO<sup>MT</sup> presented by Edward Winslow Esq<sup>r</sup> of the Expences of his Excellency & the Gentlemen that attended him in his late Journey from Boston to the Governm<sup>t</sup> of New Hampshire, Amounting to the sum of £142. 6. 2.

[Read and]

*Ordered* that the sum of One hundred & forty two Pounds six shillings & two pence<sup>1</sup> be allowed & paid out of the publick Treasury to

<sup>1</sup> The House Journal reads, £142. 6. 5.

the Accomptant Edward Winslow to be by him repaid to the respective Persons to whom it is due in full discharge of this Acc<sup>t</sup>. [*Passed September 29.*]

## CHAPTER 102.

ORDER ALLOWING £26. 15. 5 TO FRA. WARDEL.

AN ACCOMPT presented by M<sup>rs</sup> Frances Wardell of Entertainment given to the Officers of the Militia on the day of the Govern<sup>r</sup>s Arrival, Pasties provided for Govern<sup>r</sup> Burnets Arrival &c, Amounting to the sum of £26. 15. 5.

[Read and Accepted, and]

*Ordered* that the sum of Twenty six Pounds fifteen shillings & five pence be allowed & paid out of the publick Treasury to the Accomptant Frances Wardel in full discharge of her Accompt. [*Passed September 29.*]

Legislative  
Records of the  
Council, xiv.,  
414.

House Jour-  
nal, p. 56.  
*Ante*, p. 337,  
chap. 110;  
p. 472, chap. 3.

## CHAPTER 103.

ORDER ALLOWING £26. 13. 6 TO CPT. THO. SMITH.

AN ACCOMPT presented by Cpt. Thomas Smith of the Charge of Entertaining the Indian Delegates the last Year as also of providing Wood for the Truck house on Saco River, Amounting to the sum of £26. 13. 6.

Read and Allow'd and

*Ordered* That the sum of Twenty six Pounds thirteen shillings and six Pence be allow'd and paid out of the Publick Treasury to the Accountant Cap<sup>t</sup> Tho<sup>s</sup> Smith in full Discharge of his Account. [*Passed September 29.*]

Legislative  
Records of the  
Council, xiv.,  
415. Mass.  
Archives,  
xxxI., 174.

Mass.  
Archives,  
xxxI., 172.  
House Jour-  
nal, p. 58.

## CHAPTER 104.

ORDER ALLOWING PAYMENT ON CPT. THO. SMITHS MUSTER ROLL.

A MUSTER ROLL of the Garrison in his Majestys Service at the Truck house on Saco River under the Command of Cpt. Thomas Smith, Containing an Accompt of Wages due to them for their Service from the 10<sup>th</sup> of Decem<sup>r</sup> 1729, to the 20<sup>th</sup> of Septem<sup>r</sup> 1730, Amounting to the sum of £430. 13. 7.

[Read and]

*Ordered* that the sum of Four hundred & thirty Pounds thirteen shillings & three pence<sup>1</sup> [be allowed &]<sup>2</sup> paid out of y<sup>e</sup> publick Treasury to Cpt. Thomas Smith to be [by]<sup>2</sup> him paid to the Officers & Soldiers born thereon, to whom the same is respectively due, in full discharge of the Wages thereof. [*Passed September 29.*]

Legislative  
Records of the  
Council, xiv.,  
415.

House Jour-  
nal, pp. 55, 57.

<sup>1</sup> The House Journal reads, £430. 13. 7.

<sup>2</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 472.

## CHAPTER 105.

ORDER ALLOWING £3 TO MAJ<sup>R</sup> W<sup>M</sup> BRATTLE.

Legislative  
Records of the  
Council, xiv.,  
415.

House Jour-  
nal, p. 59.

AN ACCOUNT presented by Major William Brattle of the Charges in Refreshing the Companies under Arms on the day of his Excellencys Coming to the General Court at Cambridge, Amounting to the sum of £3.

[Read and]

*Ordered* that the sum of Three Pounds be allowed & paid out of the publick Treasury to the Accomptant in full discharge of this Account. [*Passed September 30.*]

## CHAPTER 106.

ORDER ALLOWING £5 TO COLL. JN<sup>O</sup> WAINWRIGHT.

Legislative  
Records of the  
Council, xiv.,  
415.

House Jour-  
nal, pp. 58, 59.

AN ACCOUNT presented by Coll. John Wainwright of the Charge of refreshing the Troops in his Regiment at the time of his Excellencys Going Eastward, & Returning, Amounting to the sum of £5.

[Read and]

*Ordered* that the sum of Five Pounds be allowed & paid out of the publick Treasury to the Accomptant in full discharge of this Account. [*Passed September 30.*]

## CHAPTER 107.

ORDER ON JOHN GREENS PETITION FOR CONFIRMATION OF JUDGMENT.

Legislative  
Records of the  
Council, xiv.,  
401, 415.

House Jour-  
nal, pp. 32, 56,  
57.

A PETITION of John Green of Malden, Shewing that at an Inferior Court of Common Pleas for the County of Middlesex in Novem<sup>r</sup> 1728, he brought his Action of Trespass against Timothy Sprague, Samuel Stower & Joseph Jenkins, & Judgment went for the Petition<sup>r</sup> from which the Defendant (in the singular number) appealed to the next Superior Court for the said County, & the Reasons of Appeal filed were in behalf of the Defendants (in the plural Number) whereupon the Justices of the Superior Court quashed the said Appeal. Praying that he may be enabled to file his Reasons of Appeal<sup>1</sup> at the next Superior Court for obtaining a Confirmation of the former Judgment.

Read together with the Answer of Timothy Sprague; And the same being fully considered.

*Ordered* that Timothy Sprague have leave if he see cause, to prosecute the Appeal from the Judgment mentioned in this Petition at the next Superior Court of Judicature to be holden for & within y<sup>e</sup> County of Middlesex, Filing Reasons of Appeal seasonably & notifying the adverse Party of this Order by serving him with a Copy thereof fourteen days at the least before the Sitting of the said Court; And the Justices of the s<sup>d</sup> Court are hereby directed & impowered to proceed to a Trial of the said Appeal, enter up Judgment & award Execution accordingly; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed September 30.*]

<sup>1</sup> For the words "Reasons of Appeal," the record of the petition as given in the House Journal, p. 32, reads "Complaint," which evidently is right.



## CHAPTER 108.

### ORDER OF NOTICE ON DAVID GOULDS PETITION TO HAVE REFERREES REPORT ACCEPTED.

A PETITION of David Gould of Stonham in the County of Middlesex Shewing that there was an Action depending between the Petitioner & Timothy Sprague of Malden at the Superior Court of Judicature held at Charlestown in January last, when they enter'd into a Rule of Court to submit all their Differences to three Gentlemen appointed by the Court & the Parties; & when the said Referrees gave in their Report to the said Court, they were pleased to allow only of part thereof, which is very injurious to the Petitioner; And therefore Praying that the said Court may be impowered to make up their Judgment a new, & therein to allow of the whole Report of the said Referrees.

Legislative  
Records of the  
Council, xiv.,  
401, 416.  
House Jour-  
nal, pp. 53, 54.

Read together with the Answer of Timothy Sprague, And the same being fully considered;

*Resolved* that the whole Report of the Referees within mentioned ought to have been accepted; & that the Parties are justly entitled to the benefit thereof; And the Justices of the Superior Court of Judicature are hereby impowered & directed to consider the Petitioners Case herein refer'd to, at their next Session in the County of Middlesex & to enter up Judgment & grant Execution accordingly; And the Judgment & Execution already granted are hereby declared null & void. [*Passed September 30.*]

## CHAPTER 109.

### ORDER ALLOWING PAYMENT OF CPT. JAMES WOODSIDES MUSTER ROLL.

A MUSTER ROLL of the Garrison in his Majestys Service at Fort Mary at Winter Harbour under the Command of Cpt. James Woodside, Containing an Accompt of Wages due to them for their Service from the 6<sup>th</sup> of Septem<sup>r</sup> 1729, to the 26<sup>th</sup> of Septem<sup>r</sup> 1730, Amounting to the sum of £209. 11. 2.

Legislative  
Records of the  
Council, xiv.,  
416.  
House Jour-  
nal, p. 60.

[Read, Accepted, and]

*Ordered* that the sum of Two hundred & nine Pounds eleven shillings & two pence be allowed & paid out of the publick Treasury to the above named James Woodside, by him to be paid to the Officers & Soldiers born on this Roll in full discharge of the Wages thereof. [*Passed September 30.*]

## CHAPTER 110.

### ORDER CONFIRMING THE BOUNDS OF N<sup>o</sup> YARMOUTH AND IMPOWERING THE COLLECTORS TO COLLECT RATES AND ASSESSMENTS.

A MEMORIAL of the Hon<sup>ble</sup> William Tailer Esq<sup>r</sup> & others a Committee for bringing forward the Settlement of the Town of North Yarmouth in Casco Bay, Praying that this Court would establish the ancient Bounds of the said Town, that the Collectors may be impowered to collect, & if need be, to distrain for such sums as the said Committee have assessed or shall assess on the Propriet<sup>rs</sup> for defraying the nec-

Legislative  
Records of the  
Council, xiv.,  
416.  
House Jour-  
nal, p. 58.  
*Ante*, p. 421,  
chap. 36.

essary Charges of the Town, & that the Court would give directions to the Committee about the Lots that are forfeited.

Read &

*Ordered* that the Bounds of the Town of North Yarmouth as stated in the several Grants of Sir Ferdinando Gorges, & Thomas Danforth Esq<sup>r</sup> be & hereby [are]<sup>1</sup> allowed & confirmed; And further

*Ordered* that the Constables or Constables<sup>2</sup> of the said Town of North Yarmouth be impowered & directed to collect, & if need be, to distrain all such Rates & Assessm<sup>ts</sup> as are or shall be made by the Memorialists as a Committee for said Town. [*Passed September 30.*]

## CHAPTER 111.

ORDER ALLOWING £313. 10. 6 TO CPT. THO. SMITH.

Legislative  
Records of the  
Council, xiv.,  
416. Mass.  
Archives,  
lxxxix., 267.

AN ACCOUNT presented by Cpt. Thomas Smith of the Charge of Carrying on the Building & finishing the Truck house on Saco River, Amounting to the sum of £330. 10. 6.

Read accepted and

Mass.  
Archives,  
lxxxix., 266.  
House Jour-  
nal, p. 58.  
*Ante*, p. 464,  
chap. 151.

*Ordered* That the Sum of three hundred and thirteen Pounds ten shillings and six Pence be allowed and paid out of the Publick Treasury to the Accountant Cap<sup>t</sup> Thomas Smith by him to be paid to the Persons within named to whom the same is respectively due in full Discharge of this Account. [*Passed September 30.*]

## CHAPTER 112.

ORDER IMPOWERING CHARITY MAWL AS ADMINISTRATRIX TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xiv.,  
417.

House Jour-  
nal, p. 43.

A PETITION of Charity Mawl, Widow of John Mawl late of Salem Dec<sup>d</sup> Praying for Liberty to sell the real Estate of the said John Mawl for paying his just Debts, the same being under Mortgage, & the said Mawl having left but little personal Estate & a great Family of Children, who will be much hurt, if the Mortgage be sued out.

Read & In answer to this Petition.

*Ordered* that when the Petitioner hath taken Administration of the Estate of the said Deceased, she be & hereby is impowered to make Sale of the Estate within mentioned to pay the just Debts of the said Deceased, & she be accountable for the Overplus to the Judge of Probates for the County of Essex. [*Passed September 30.*]

## CHAPTER 113.

ORDER GRANTING A LICENSE TO BENJ<sup>A</sup> WILLIAMS TO KEEP A TAVERN IN BOSTON.

Legislative  
Records of the  
Council, xiv.,  
422.

A PETITION of Benjamin Williams of Boston, Shewing that by reason of the Small Pox in Boston he was prevented of seeking for a Licence to keep Tavern in his House known by the name of the Black Horse,

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 474.

<sup>2</sup> "Collectors," in the State Library copy, Legislative Records of the Council, xiv., 474.

his Tenant being lately removed out of it; And the Petitioner being desirous to keep that Tavern himself, And therefore Praying that the Justices of the County of Suffolk may be at their next General Sessions of the Peace impowered to grant the Petitioner a Licence accordingly.

Read &

*Ordered* that the Prayer of the Petition be granted & that upon the Petitioners producing a Certificate of the Approbation of the Select men of the Town of Boston the Justices of the Peace for the County of Suffolk at the next Session for the said County be & hereby are authorized & impowered, if they see cause, to grant a Licence to the Petitioner to sell strong Drink, The time therefor limited by Law being elapsed or any other Usage or Custom to the contrary notwithstanding. [*Passed October 2.*]

House Journal, p. 64.  
Province Laws, ii., 415, chap. 1.

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## CHAPTER 114.

ORDER ALLOWING £60 TO THE CLERK OF THE HOUSE.

*Ordered* that the sum of Sixty Pounds be allowed & paid out of the publick Treasury to Francis Foxcroft Esq<sup>r</sup> Clerk of the House of Representatives<sup>ves</sup> in part for his Service for the Year Currant. [*Passed October 3.*]

Legislative Records of the Council, xiv., 423.

House Journal, p. 71.

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## CHAPTER 115.

ORDER ALLOWING £20 TO THE DOOR KEEPER.

*Ordered* that the sum of Twenty Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Richard Hubbard Door keeper to his Excellency the Governor & this Court in full for one half years Service ending the nineteenth of August last past. [*Passed October 3.*]

Legislative Records of the Council, xiv., 423.

House Journal, p. 71.

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## CHAPTER 116.

ORDER ALLOWING £10 TO JAMES CLARK.

In the House of Representatives<sup>ves</sup>

*Ordered* that the sum of Ten Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> James Clark for his Service of <sup>1</sup> Door keeper to this House.

In Council; Read & Concur'd. [*Passed October 3.*]

Legislative Records of the Council, xiv., 423.

House Journal, p. 71.

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## CHAPTER 117.

ORDER IMPOWERING THE BRIMFIELD COMMITTEE TO ASSESS AND COLLECT TAXES.

JOHN CHANDLER Esq<sup>r</sup> from the Committee for regulating the Settlement of the Town of Brimfield gave in a Report of their Proceedings in the Affair: Which being read in both Houses,

Legislative Records of the Council, xiv., 424. Mass.

<sup>1</sup> "As," in the State Library copy, Legislative Records of the Council, xiv., 481.

Archives,

cxiv., 77.

Mass.

Archives,

cxiv., 63.

House Jour-

nal, pp. 65, 66.

Province

Laws, x., 233,

chap. 17.

*Ante*, p. 417,

chap. 22.

The following Vote pass'd thereon; viz,

*Ordered* That this Report be so far accepted as that the Committee be and hereby are fully authorized and impowered to assess and Levy the further Tax by them proposed in this Report and to appoint Collectors to gather in the Same, The said Collectors as also the Collectors appointed upon former Assessments to have full Power and authority to collect gather in and pay the several Rates and assessments, to them committed, to the Persons who are or shall be appointed to receive the same in as full and ample manner as other Collectors have by Law. [*Passed October 3.*]

## CHAPTER 118.

RESOLVE THAT CHURCH OF ENGL<sup>n</sup> MINISTERS LIV<sup>g</sup> OUT OF THE PROVINCE ARE NOT ENTITLED TO THE BENEFIT OF THE ACT FOR THE SETTLEMENT & SUPPORT OF MINISTERS.

Legislative  
Records of the  
Council, xiv.,  
424.

House Jour-

nal, p. 66.

Province

Laws, ii., 459,

chap. 7.

THE FOLLOWING QUESTION being moved out of a Paragraph of the Act entitled An Act in addition to the several Acts for the Settlement & Support of Ministers made in the first Year of his Majestys Reign, relating to the Taxing of Persons attending at the Church of England &c, Whether any Ministers living without the Bounds of this Province is entitled to the Benefit of the said Act?

*Resolved* in the Negative; & that the Law ought to be so understood. [*Passed October 3.*]

## CHAPTER 119.

ORDER WITH NOTICE ON THE PETITION FOR A NEW COUNTY OUT OF SUFFOLK & PLYM<sup>n</sup> COUNTIES.

Legislative  
Records of the  
Council, xiv.,  
424.

House Jour-

nal, p. 65.

A PETITION of John Jacob & Adam Cushing in behalf of divers of the Inhabitants of the Northerly Towns in the County of Plymouth, & Southerly Towns in Suffolk, Praying that the Towns of Scituate, Hingham Weymouth, [Abington,]<sup>1</sup> Brantree, Hull & Hanover may be made a distinct County.

Read & Refer'd for consideration to the next Session, &

*Ordered* that the Petitioners in the mean time serve the Towns of Brantree, Hull & Hanover with a Copy of this Petition, that they may shew cause, if any they have, why the Prayer of the Petition should not be granted. [*Passed October 3.*]

## CHAPTER 120.

ORDER ALLOWING PAYMENT OF CPT. JOSEPH HEATHS MUSTER ROLL.

Legislative  
Records of the  
Council, xiv.,  
426. Mass.  
Archives, xci.,  
265.

Mass.

Archives, xci.,

264. House

Journal, p. 80.

A MUSTER ROLL of the Garrison in his Majestys Service at the Fort at Richmond under the Command of Cpt. Joseph Heath, Containing an Account of Wages due to them for their service from the second of July to the last of September 1730, Amounting to the sum of £188. 18. 8.

Read and accepted and

*Ordered* That the sum of One hund<sup>d</sup> and Eighty eight Pounds eighteen

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 483

shillings and eight pence be allowed and paid out of the Publick Treasury to the within named Cap<sup>t</sup> Joseph Heath by him to be paid to the officers and Soldiers born on this Roll in full Discharge of this Roll. [*Passed October 8.*]

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## CHAPTER 121.

## ORDER ALLOWING PAYMENT OF CPT. THO. SAUNDERS MUSTER ROLL.

A MUSTER ROLL of the Sloop Endeavour Cpt. Thomas Saunders Master, a Transport in his Majestys Service, Containing an Accompt of Wages due to the said Master & Company, & Hire of the said Sloop from the 29<sup>th</sup> of May to the first of October 1730, Amounting to the sum of £157. 10.

Legislative  
Records of the  
Council, xiv.,  
426.  
House Jour-  
nal, p. 74.

[Read and Accepted, and]

*Ordered* that the sum of One Hundred & fifty seven Pounds ten shillings be allowed & paid out of the publick Treasury to the within named Cpt. Thomas Saunders, & by him to be paid to the several Persons to whom the same is respectively due in full discharge of this Roll. [*Passed October 8.*]

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## CHAPTER 122.

ORDER ALLOWING PAYMENT ON CPT. BENJ<sup>A</sup> LARRABEES MUSTER ROLL.

A MUSTER ROLL of the Garrison in his Majestys Service at Fort George at Brunswick, under the Command of Cpt. Benjamin Larrabee, Containing an Accompt of Wages due to them for their Service from the 10<sup>th</sup> of June 1729, to the 28<sup>th</sup> of Septem<sup>r</sup> 1730, Amounting to the sum of £469. 7.

Legislative  
Records of the  
Council, xiv.,  
426.  
House Jour-  
nal, p. 73.

[Read and Accepted and]

*Ordered* that the sum of Four Hundred & sixty two Pounds eight shillings<sup>1</sup> be allowed & paid out of the publick Treasury to the within named Cpt. Benjamin Larrabee, to be by him paid to the Officers & Soldiers born on this Roll in full discharge thereof. [*Passed October 8.*]

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## CHAPTER 123.

ORDER ALLOWING £40. 14. 5 TO CPT. BENJ<sup>A</sup> LARRABEE.

AN ACCOMPT presented by Cpt. Benjamin Larrabee of Disbursem<sup>ts</sup> at Fort George for wooding the Garrison, repairing the Boat Entertainment & Presents made to the Indians &c, Amounting to the sum of £40. 14. 5.

Legislative  
Records of the  
Council, xiv.,  
426.  
House Jour-  
nal, p. 73.

[Read and Accepted and]

*Ordered* that the sum of Forty Pounds fourteen shillings & five pence be allowed & paid out of the publick Treasury to the within named Accountant Benj<sup>a</sup> Larrabee in full discharge of this Acc<sup>t</sup>. [*Passed October 8.*]

<sup>1</sup> The House Journal reads, £462. 8. 10

## CHAPTER 124.

## ORDER ALLOWING £50 TO BENJA HALEY.

Legislative  
Records of the  
Council, xiv.,  
427.

House Jour-  
nal, p. 80.

A MEMORIAL of Benjamin Haley, Praying the allowing his Accompt of Cord wood supplied the Garrison at Fort Mary at Winter Harbour. Amounting to the sum of £50. Which Accompt is herewith exhibited.

Read [and Accepted] &

*Ordered* that the sum of Fifty Pounds be allowed & paid out of the publick Treasury unto the above named Benjamin Haley in full discharge of this Accompt. [*Passed October 8.*]

## CHAPTER 125.

## ORDER ALLOWING £3 TO NOAH JOHNSON.

Legislative  
Records of the  
Council, xiv.,  
427.

House Jour-  
nal, p. 74.

A PETITION of Noah Johnson Praying for Allowance for a Gun, which he lent to a Soldier in his Majestys Service at Dunstable, & was lost when the Indians killed Lieut. French & others.

Read [and Accepted] &

*Ordered* that the sum of Three Pounds be allowed & paid out of the publick Treasury to the said Noah Johnson in full satisfaction for his Gun. [*Passed October 8.*]

## CHAPTER 126.

## ORDER ERECTING THE SOUTHERLY PART OF DEDHAM AND THE WESTERLY PART OF STOUGHTON INTO A PRECINCT.

Legislative  
Records of the  
Council, xiv.,  
427.

Legislative  
Records of the  
Council, xiv.,  
339. House  
Journal, pp. 72,  
81. *Ante*, p. 368,  
chap. 197.  
*Post*, p. 516,  
chap. 132.

A PETITION of Samuel Bullard, & William Evered, & a considerable Number of others, Inhabitants of the Southerly Part of Dedham & Westerly Part of Stoughton, Praying that they & their Estates may be set off from the Towns above mentioned & made a separate Town or Precinct

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the Southerly & South easterly Part of Dedham together with the Westerly Part of the Town of Stoughton, according to y<sup>e</sup> Bounds expressed in the Report of a Committee of this Court in December last be erected into a separate Precinct.<sup>1</sup> [*Passed October 8.*]

## CHAPTER 127.

VOTE APPOINTING FRA. WILKS ESQ<sup>R</sup> AGENT.

Legislative  
Records of the  
Council, xiv.,  
428.

A COMMITTEE of the Represent<sup>ves</sup> brought up their Votes for an Agent Which being numbered with the Votes of the Board; Francis

<sup>1</sup> The House Journal reads, "Township." According to the House Journal, p. 81, the Council order contained an amendment, viz.: after the word "Township," insert, "and that the Petitioners bring in a Bill accordingly." This amendment was concurred in by the House of Representatives. No bill was ever brought in. Subsequently, both the House Journal and the text refer to the "Precinct" recently set off from Dedham. *Infra*, p. 516, chap. 132.

Wilks Esq<sup>r</sup> of London was chosen Agent for this Province by the Major Vote. Legislative  
Records of the  
Council, xiv.,  
425 *ter*, 428 *bis*.  
House Jour-  
nal, p. 91.

Which Election of Francis Wilks Esq<sup>r</sup> by the Votes of the two Houses to be Agent for this Province being by the Secretary Certified to his Excellency the Governor, & presented to him for his Approbation, His Excellency was pleased to signify his Approbation of the s<sup>d</sup> Election by Writing under his Hand. [*Passed October 9.*]

## CHAPTER 128.

### ORDER ALLOWING £60. 14 TO D<sup>R</sup> GEO. PEMBERTON.

AN ACCOMPT presented by D<sup>r</sup> George Pemberton of Medicines administered to the Garrison at his Majestys Castle William, Amounting to the sum of £60. 14. Legislative  
Records of the  
Council, xiv.,  
428.

[Read and Accepted, and]

*Ordered* that the sum of Sixty Pounds fourteen shillings be allowed & paid out of the publick Treasury to the Accomptant George Pemberton in full discharge of the Accompt. [*Passed October 10.*]

House Jour-  
nal, pp. 80, 81.

## CHAPTER 129.

### VOTE GRANTING TO THE GOV<sup>R</sup> 800 ACRES OF LAND.

*Voted* that Eight hundred Acres of the unappropriated Lands within this Province be & hereby is granted to his Excellency Jonathan Belcher Esq<sup>r</sup> in further Consideration of his Services in the Agency; & that his Excellency by a Survey<sup>r</sup> & Chain men on Oath be impowered to lay out the same in one or two Parcels as he may chuse; & that a Plat or Plats thereof be returned to this Court within twelve months for Confirmation. [*Passed October 10.*]

Legislative  
Records of the  
Council, xiv.,  
428.

House Jour-  
nal, p. 84.  
*Ante*, p. 504,  
chap. 93.

## CHAPTER 130.

### ORDER ALLOWING £20 FOR THE SUPPORT OF A CHAPLAIN AT FORT GEORGE.

A PETITION of Cpt. Benjamin Larrabee in behalf of the Garrison & Inhabitants of Brunswick, Praying an Allowance out of the publick Treasury towards the Support of a Minister who hath officiated among them for some time past, Which is greatly serviceable to the Garrison. Legislative  
Records of the  
Council, xiv.,  
429.

Read & In answer to this Petition,

*Ordered* that the sum of Twenty Pounds be allowed & paid out of the publick Treasury to the Petitioner Cpt. Benjamin Larrabee towards the support of a Chaplain at the Fort within mentioned, & that the said Chaplain be subsisted out of the Province Stores. [*Passed October 10.*]

House Jour-  
nal, pp. 83, 84.

## CHAPTER 131.

ORDER OF NOTICE ON THE PETITION OF SIMON STONE & OTHERS FOR  
A TOWNSHIP.

Legislative  
Records of the  
Council, xiv.,  
429.

House Jour-  
nal, pp. 84, 85.  
*Ante*, p. 482,  
chap. 36.

A PETITION of Simon Stone & others Inhabitants of Groton Lancaster & Stow Praying to be set off from their respective Towns & erected into a separate Township.

Read together with the Schedule thereunto annexed, &

*Ordered* that the Petitioners serve the Towns of Lancaster & Stow with Copies of this Petition, that they shew cause, if any they have, on the first Tuesday of the next Session, why the Prayer thereof should not be granted. [*Passed October 10.*]

## CHAPTER 132.

VOTE FOR A MEETING AT THE PRECINCT SET OFF FROM DEDHAM  
AND STOUGHTON.

Legislative  
Records of the  
Council, xiv.,  
429.

House Jour-  
nal, p. 82.  
*Ante*, p. 514,  
chap. 126.

*Voted* that M<sup>r</sup> John Everit a principal Inhabitant of the Precinct lately set off from Dedham & Stoughton be & hereby is fully authorized & impowered to notify the Inhabitants there duly qualified to assemble & convene as soon as may be in some publick Place in said Precinct to elect Precinct Officers to stand until the Anniversary Meeting in March next. [*Passed October 12.*]

## CHAPTER 133.

## ORDER IMPOWERING THO. LOGGET TO ENTER AN ACTION.

Legislative  
Records of the  
Council, xiv.,  
426, 429.

House Jour-  
nal, pp. 82, 87.

A PETITION of Thomas Logget of Boston Mariner, Shewing that he brought his Action against Mess<sup>rs</sup> Lespinans & Leblong Merchants of Martineco at the Inferior Court now sitting in Boston, but his Attorney in whom he confided neglected to enter it on the first Day of the Court, Praing for Liberty now to enter the said Action.

Read (the adverse Party having been duly served with a Copy thereof) &

*Ordered* that the Prayer of the Petition be granted, & that the Petition<sup>r</sup> be impowered to enter the Action above mentioned accordingly; And the Justices of the Inferior Court for the County of Suffolk are authorized & directed to continue the said Action over to the next Term & then to hear & try the same, & give Judgment therein & award Execution thereupon; the Petition<sup>r</sup> to give seasonable notice to the adverse Party of this Order; Any Law Usage or Custom to the contrary notwithstanding. [*Passed October 12.*]



## CHAPTER 134.

## VOTE APPOINTING COMMISSIONERS ON THE NEW HAMPSHIRE BOUNDARY.

THOMAS HUTCHINSON Esq<sup>r</sup> from the Committee of both Houses on the Affair of the Line on New Hampshire gave in the following Report; viz,

The Committee are humbly of Opinion that the following Vote be pass'd in answer to his Excellencys Message of the 18<sup>th</sup> Instant respecting the Line between this Province & that of New Hampshire; viz,

*Voted* that the Hon<sup>ble</sup> Joseph Talbot Esq<sup>r</sup> Governor of the Colony of Connecticut, Adolph Phillips Esq<sup>r</sup> of New York, Roger Walcott Esq<sup>r</sup> of Connecticut aforesaid, together with an equal Number of Gentlemen to be appointed by the Province of New Hampshire, Agreeable to his Majestys Instructions, be desired & empowered to hear & finally to determine the Controverses & Differences relating to the Dividing Line between the Massachusetts Bay & New Hampshire aforesaid; & the same Line to draw, mark out, & fix that it may be indisputable in all times to come, Upon its receiving the Royal Sanction; And if any one of the Gentlemen chosen & appointed by either of the Provinces shall by Death or otherwise be prevented attending the Service, then the two other Gentlemen present in behalf of each Governm<sup>t</sup> respectively shall have Power to appoint a third in the room & instead of him that is absent; And in case the Gentlemen chosen by the Provinces as above, or the Major Part of them shall not agree, That then they shall have Power & are hereby authorized to chuse a seventh; Which Person so appointed or chosen in either of the afore said Case shall have the same Power & Authority with those originally chosen by the respective Provinces

Sept. 1730. By Order of the Committee, THO. HUTCHINSON

Read &

*Ordered* that this Report be Accepted. [*Passed* \* *October 13.*<sup>1</sup>

Legislative  
Records of the  
Council, xiv.,  
430.

Legislative  
Records of the  
Council, xiv.,  
398, 397, 398.  
House Jour-  
nal, pp. 33, 66.  
Province  
Laws, ii., 577,  
chap. 1. *Ante*,  
p. 396, chap.  
281.

## CHAPTER 135.

ORDER ALLOWING £50 TO M<sup>r</sup> THO. SANDFORD.

*Ordered* that the sum of Fifty Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Thomas Sandford of London or his Order for his Time & Expence in the service of the Province in the Year 1721. [*Passed* *October 13.*

Legislative  
Records of the  
Council, xiv.,  
430.

House Jour-  
nal, p. 85.

## CHAPTER 136.

## ORDER ALLOWING £5. 17. 2 TO SARAH STEDMAN.

AN ACCOMPT of Sarah Stedman of the Expences of Committees at her House & M<sup>r</sup> Hoveys at Cambridge, Amounting to the sum of £5. 12. 2.<sup>2</sup>

Legislative  
Records of the  
Council, xiv.,  
430.

<sup>1</sup> The record of the foregoing does not disclose the Governor's consent; but the action appears to be the "Scheme or Projection" referred to as complete, *post*, p. 610, chap. 73. It fell through, however. See the chapter just cited.

<sup>2</sup> The House Journal reads, £5. 17. 2 in the preamble.

House Jour-  
nal, p. 88.

[Read and]

*Ordered* that the sum of Five Pounds seventeen shillings & two pence be allowed & paid out of the publick Treasury to William Brattle Esq<sup>r</sup> by him to be paid to the Persons to whom the same is due in full discharge of this Accompt. [*Passed October 13.*]

## CHAPTER 137.

ORDER ALLOWING 26/ TO JN<sup>o</sup> HAINES.

Legislative  
Records of the  
Council, xiv.,  
431.

AN ACCOMPT presented by John Haynes of Time & Expence in Attending the House of Represent<sup>ves</sup> the last Winter by Order of the House, Amounting to the sum of £1. 13.

House Jour-  
nal, p. 88.

[Read and]

*Ordered* that the sum of Twenty six shillings be allowed & paid out of the publick Treasury to M<sup>r</sup> John Rice, by him to be repaid to the Accomptant in full discharge of this Accompt. [*Passed October 13.*]

## CHAPTER 138.

ORDER ALLOWING £12 TO COLL. WAINWRIGHT.

Legislative  
Records of the  
Council, xiv.,  
431.

AN ACCOMPT presented by John Wainwright Esq<sup>r</sup> of Writing done by him self & Cpt. Goddard for the publick, Amounting to y<sup>e</sup> sum of £12.

House Jour-  
nal, p. 89.

[Read and]

*Ordered* that the sum of Twelve Pounds be allowed & paid out of the publick Treasury to John Wainwright Esq<sup>r</sup> by him to be repaid to the Persons to whom the same is due. [*Passed October 13.*]

## CHAPTER 139.

ORDER ON THE PETITION OF THE INHABITANTS OF THE NEW PRECINCT IN WOBURN, ANULLING THE OLD AND CALLING A NEW TOWN MEETING.

Legislative  
Records of the  
Council, xiv.,  
431.

A PETITION of divers Inhabitants of the new Precinct in Woburn Setting forth that M<sup>r</sup> Ebenezer Johnson by vertue of his being impowered to call a Precinct Meeting took upon him the Office of a Moderator of the said Meeting which occasioned great Disorders in the said Meeting; And therefore Praying that this Court would please to explain their Order for impowering M<sup>r</sup> Johnson to call the said Meeting Whether that impowered<sup>1</sup> him Moderator without the Election of the People or not.

Read &

*Resolved* that it was the Intention of this Court in their Vote of the 17<sup>th</sup> of Septem<sup>r</sup> last, herein refer'd to, to impower M<sup>r</sup> Ebenezer Johnson to convene a Meeting in the new Precinct in Woburn only, & not to officiate as Moderator without the Election of the Inhabitants, & that the Proceedings of the said Meeting [be]<sup>2</sup> & hereby are declared null & void, &

<sup>1</sup> "Appointed," in the State Library copy, Legislative Records of the Council, xiv., 490.

<sup>2</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 490.

*Ordered* that the said Ebenezer Johnson do forthwith call an other Precinct Meeting to act according to the said Vote of the 17<sup>th</sup> of September last. [*Passed October 13.*]

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## CHAPTER 140.

ORDER OF NOTICE ON EDMUND HATCHES PETITION IN REGARD TO AN ORDER OF COURT FOR A SALE OF LAND TO PAY DEBTS.

ON THE PETITION of Edmund Hatch, [*ante*, p. 454, chap. 122]

*Ordered* that this Petition be further considered on the second Wednesday of the next Sitting of this Court; & that the Petitioner seasonably notify the adverse Party thereof. [*Passed October 14.*]

Legislative  
Records of the  
Council, xiv.,  
432.

House Jour-  
nal, p. 93.  
*Ante*, p. 454,  
chap. 122.

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## CHAPTER 141.

VOTE FOR A PRESENT TO THE EAST<sup>N</sup> INDIANS.

*Voted &*

*Ordered* that the sum of One hundred & fifty Pounds be advanced & paid out of the publick Treasury to purchase some proper Present for the Indians at the Eastward, to be put into the hands of those Gentlemen that are shortly bound thither, & by them to be distributed to the said Indians in behalf of this Governm<sup>t</sup>. [*Passed October 15.*]

Legislative  
Records of the  
Council, xiv.,  
433.

House Jour-  
nal, pp. 4, 94.  
*Post*, p. 531,  
chap. 177.

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## CHAPTER 142.

ORDER OF NOTICE ON BENJ<sup>A</sup> SYLVESTERS PETITION WITH STAY OF EXECUTION.

A PETITION of Benjamin Sylvester of Scituate, Shewing that at the Inferior Court of Common Pleas held at Bristol in July 1729, Ebenezer Eddy recovered Judgment against him for £7. 2 From which the Petitioner appealed to the last Superior Court, but was providentially hindered from being there on the first day, so that the said Eddy upon his Complaint, obtained a Confirmation of the former Judgment, Praying that the Petitioner may be enabled to try the said Cause at the next Superior Court, & that Execution may be stayed in the mean time.

*Read &*

*Ordered* that the Petitioner serve the adverse Party with a Copy of the Petition, that he may shew Cause, if any he have, on the first Fry-day of the next Sitting of the Court, why the Prayer thereof may not be granted; & that the Execution of the Judgment within refer'd to be staid in the mean time. [*Passed October 15.*]

Legislative  
Records of the  
Council, xiv.,  
433.

House Jour-  
nal, pp. 93, 94.

## CHAPTER 143.

## ORDER ALLOWING £11. 7. 2 TO SIMON ROGERS.

Legislative  
Records of the  
Council, xiv.,  
433.

Legislative  
Records of the  
Council, xiv.,  
429. House  
Journal, p. 94.

AN ACCOMPT presented by Simon Rogers of the Entertainment of divers Members of the Court on the Anniversary of his Majestys Coronation, Amounting to the sum of £11. 7. 2.

[Read and]

*Ordered* that the sum of Eleven Pounds seven shillings & two pence be allowed & paid out of the publick Treasury to the Accomptant Simon Rogers in full discharge of the said Accompt. [*Passed October 15.*]

## CHAPTER 144.

## ORDER ANNEXING LANDS TO BRIDGEWATER.

Legislative  
Records of the  
Council, xiv.,  
433.

House Jour-  
nal, p. 93.  
Province  
Laws, x., 489,  
chap. 164.

A PETITION of the Selectmen of the Town of Bridgewater Shewing that the Lands whereon Robert Howard and Daniel Howard dwell which they purchased of the Province are laid to no particular Town, & ly most commodiously for the Town of Bridgewater, Praying that the said Families with their Lands may be annexed to Bridgewater.

Read &

*Ordered* that the Prayer of the Petition be so far granted, as that the two Families within mentioned with their Lands within refer'd to be & hereby are to all Intents & Purposes annexed to the Town of Bridgewater during the Pleasure of this Court. [*Passed October 15.*]

## CHAPTER 145.

## ORDER ON GRANTING MARY FOWLES PETITION FOR A LICENSE TO SELL LIQUOR.

Legislative  
Records of the  
Council, xiv.,  
434.

House Jour-  
nal, p. 63.  
Province  
Laws, ii., 415,  
chap. 1.

A PETITION of Mary Fowle of Charlestown, Praying that the Justices of the County of Middlesex at their next General Sessions of the Peace may be impowered to grant her Licence to retail strong Drink in the House which she now dwells in, which is very convenient for it.

Read &

*Ordered* that the Prayer of the Petition be so far granted, as that the Justices of the said Court be & hereby are impowered, at their next Session, if they see cause, to grant a Licence to the Petitioner to be an Inn holder; The time for granting Licences being elapsed notwithstanding. [*Passed October 16.*]

## CHAPTER 146.

## ORDER CONSTRUING AN ORDER IN REGARD TO RATES ON LANDS IN MALDEN.

Legislative  
Records of the  
Council, xiv.,  
434.

A PETITION of Joses Bucknam & others a Committee of the Town of Malden, Shewing that there are certain Lands within the Limits of that Part of Charlestown that was set off to Malden in the Year

1725, the Owners whereof live in other Towns, & therefore refuse to pay Rates for those Lands to Malden, pretending they are not included in that Order, Praying this Court to explain the Order above refer'd to, & to signify their Pleasure, whether the Lands afore refer'd to are included therein.

Read & In answer to this Petition,

*Ordered* that all the Lands within the Limits described in the Petition of Joses Bucknam & others in behalf of the Town of Malden & presented to this Court Anno 1725, be & hereby are declared to belong to the said Town of Malden to all Intents & Purposes whatsoever, Except the white Island so called, & the Lands belonging to Peny Ferry, & the Lands belonging to Charlestown School; w<sup>ch</sup> are to remain to the Town of Charlestown. [*Passed October 16.*]

House Journal, pp. 35, 96.  
Province Laws, x., 726,  
chap. 424.

## CHAPTER 147.

ORDER APPOINTING ASSESSORS FOR THE TOWN OF HOUSATANUCK AND IMPOWERING THEM TO LEVY A TAX OF ONE PENNY PER ACRE ON ALL LAND.

A PETITION of Anthony Austin Jun<sup>r</sup> & others for themselves & the rest of the Settlers in the lower Town of Housatanuck River, Praying that all the Lands in the said Town, belonging both to the resident & non resident Proprietors & laid out, may be subjected to a Tax of one Penny per Acre per Annum for the space of three years next coming, & that a Committee may be appointed to assess the same & Collectors to collect it, for the support of the Ministry & other Town Charges & also that the Constable of said Town may be fully empowered for his Duty & Office, in all respects as by Law other Constables are, there being no Sheriffs Officer for serving Writs within less than forty miles of said Place.

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the Lands of the resident & non resident Proprietors in the said Town be & hereby are subjected to the Payment of a Tax of one penny per acre per Annum for three years accordingly; & that Anthony Austin Jun<sup>r</sup> Daniel Kellog & John Pell be & hereby are appointed the first Assessors fully authorized & empowered to levy & assess the Tax for the first year, & that Moses Ingersol be the first Constable or Collector to collect & pay in the same for the Use aforesaid agreeable to the Order of the said Assessors; And the said Moses Ingersol is also fully authorized to execute the Office of a Constable in the s<sup>d</sup> Town until the anniversary Meeting in March next; when the Inhabitants there are hereby allowed to collect & chuse other Assessors & a Constable or a Collector for the year succeeding, who shall also have full power to assess & collect the said Tax & execute the Office of a Constable as aforesaid, & so to chuse other Assessors Constable or Collectors annually during the said Terms; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed October 19.*]

Legislative  
Records of the  
Council, xiv.,  
425.

House Journal, p. 97.  
*Ante*, p. 462,  
chap. 147.

## CHAPTER 148.

ORDER ALLOWING £5 TO M<sup>R</sup> NATH<sup>L</sup> APPLETON AS CHAPLAIN AT CAMBRIDGE.

Legislative  
Records of the  
Council, xiv.,  
436. Mass.  
Archives, xi.,  
488.

House Jour-  
nal, p. 100.

In the House of Rep<sup>atives</sup>

*Ordered* That the Sum of Five Pounds be Allowed and paid out of the Publick Treasury to William Brattle Esq<sup>r</sup> by him to be repaid to the Rev<sup>d</sup> M<sup>r</sup> Nathanael Appleton for Officiating as Chaplain to this House during their Sitting at Cambridge with the Thanks of the House for his Service therein

In Council Read & Concur'd. [*Passed October 21.*]

## CHAPTER 149.

ORDER ALLOWING £5 TO M<sup>R</sup> NEHEMIAH WALTER AS CHAPLAIN AT ROXBURY.

Legislative  
Records of the  
Council, xiv.,  
437. Mass.  
Archives, xi.,  
488.

House Jour-  
nal, p. 100.

*Ordered* That the Sum of five Pounds be allowed and paid out of the Publick Treasury to John Bowles Esq<sup>r</sup> by him to be repaid to the Rev<sup>d</sup> M<sup>r</sup> Nehemiah Walter for officiating as Chaplain to this Court during the Courts Sitting at Roxbury with the Thanks of the Court. [*Passed October 21.*]

## CHAPTER 150.

ORDER OF NOTICE ON THE PETITION OF JOHN ASHLEY ESQ<sup>R</sup> & OTHERS FOR PREVENTING THE USE OF THE WEIR AT SUFFIELD BY OTHER PARTIES.

Legislative  
Records of the  
Council, xiv.,  
437.

House Jour-  
nal, p. 44.

A PETITION of John Ashley Esq<sup>r</sup> & others, Shewing that they have at great Charge erected a Wear for the stopping of Fish on Connecticut River or a Branch thereof, having first obtained Leave from the Court of General Sessions of the Peace for the said County; which they hope after perfecting the same will be beneficial to them selves & the Towns lying on the said River, That divers Persons not interested in the said Wear have come thither, & have taken the Fish that have been stop'd there, Praying for an Order of this Court prohibiting the same & that the Undertakers may have the sole Privilege and Benefit of Fishing at said Wear.

Read &

*Ordered* that the Petition<sup>rs</sup> serve the several Towns in the County of Hampshire, lying on Connecticut River, w<sup>th</sup> a Copy of the Petition, that they may shew cause, if any they have, why the Prayer thereof may not be granted, on the second Tuesday of the next Session of this Court. [*Passed October 21.*]

## CHAPTER 151.

## ORDER IMPOWERING JOHN FRENCH &amp; HENRY JOSLYN TO COLLECT TAXES AT ATTLEBORO.

A PETITION of John French Collector, & Henry Joslyn Constable of y<sup>e</sup> Town of Attleborô in the County of Bristol Shewing that there are about forty Families in the West Part of s<sup>d</sup> Town that for nineteen years past have refused to pay their Tax to the Constable of Attleborô, & that the Govern<sup>t</sup> of Rhode Island have lately run the dividing Line between them & us; which Line includes many of the said forty Families in that Govern<sup>t</sup> which Persons not only refuse to pay their Tax, but give out their threatenings against the Constable that shall come to demand, Praying for the Directions of this Court on the Premisses.

Read &

*Ordered* that the Petitioners John French & Henry Joslin with all convenient speed proceed in collecting & gathering in the several Rates & Taxes committed to them, & that in the due Execution of their Office they be supported & maintained by this Court. [*Passed October 21.*]

Legislative  
Records of the  
Council, xiv.,  
437.

Legislative  
Records of the  
Council, xiv.,  
353, 369. House  
Journal, p. 8  
(May); p. 161.  
*Infra*, chap.  
153.

## CHAPTER 152.

## ORDER ALLOWING PAYMENT OF £3 TO JONATHAN YOUNGMAN.

*Ordered* that the sum of Three Pounds be allowed & paid out of the publick Treasury to John Bowles Esq<sup>r</sup> to be by him paid to Jonathan Youngman for his Service as Door keeper to the House during the Courts Sitting at Roxbury. [*Passed October 22.*]

Legislative  
Records of the  
Council, xiv.,  
438.

House Jour-  
nal, p. 104.

## CHAPTER 153.

## ORDER FOR A LETTER TO RHODE ISLAND GOVERNMENT PROTESTING AGAINST THEIR ACTION ON THE ATTLEBORO AFFAIR.

WHEREAS this Court is advised that the Constable or Collector of the Town of Attleborô in the County of Bristol hath been lately impeded in gathering in his Rates from some of the Inhabitants of that Town by M<sup>r</sup> Justice Jonathan Sprague of the Colony of Rhode Island issuing out a Warrant to apprehend the Constable & his Aid in collecting the Rates from Cpt. Joseph Brown & ordering them to be converted before his Majestys Justices for the Town of Providence in the Colony of Rhode Island afore said, under pretence that the said Brown is taken into the Colony by vertue of an Act of the General Assembly there; Which Proceedings of M<sup>r</sup> Justice Sprague (considering the Lands & Estate so taxed by the Town of Attleborô have been allowed for a long time to be within the Boundaries of this Govern<sup>t</sup>) the Court adjudge cannot be justified;

Legislative  
Records of the  
Council, xiv.,  
439.

House Jour-  
nal, pp. 104, 105.  
*Supra*, chap.  
151.

*Ordered* that M<sup>r</sup> Secretary acquaint by Letter, in the Name of this Govern<sup>t</sup> the Hon<sup>ble</sup> Joseph Jenks Esq<sup>r</sup> Govern<sup>r</sup> of that Colony with the Proceedure of the aforesaid Justice that he seasonably put a Stop to that Affair, & for the future prevent all such Practices. [*Passed October 22.*]

## CHAPTER 154.

ORDER ALLOWING £171 TO W<sup>m</sup> PEPPERELL.

Legislative  
Records of the  
Council, xiv.,  
438.

Mass.  
Archives, xli.,  
103. House  
Journal,  
pp. 104, 106.

*Ordered* that the sum of One hundred & seventy one Pounds be allowed & paid out of the publick Treasury to William Pepperil Jun<sup>r</sup> Esq<sup>r</sup> to enable him to pay the Sloop Hire & Wages of those Men that aided M<sup>r</sup> Sheriff Moulton in apprehending the Persons mentioned in a Letter from M<sup>r</sup> Justice Hammond bearing Date the nineteenth Instant; M<sup>r</sup> Pepperil to render an Accompt of the s<sup>d</sup> Charge to this Court. [*Passed October 23.*<sup>1</sup>

## CHAPTER 155.

ORDER OF NOTICE ON W<sup>m</sup> DOWNS PETITION TO ENABLE HIM TO EXECUTE A DEED.

Legislative  
Records of the  
Council, xiv.,  
440.

House Jour-  
nal, pp. 107, 108.

A PETITION of William Downes of Boston Shop keeper, Shewing that being Guardian to the Children of John Elliot Dec<sup>d</sup> he hath by Agreem<sup>t</sup> with Thomas Dolbear & Sarah his Wife (which Sarah is Admin<sup>x</sup> to the said John Elliot) paid off a Mortgage of £500 on the said Elliots Real Estate, & has given Bond to pay £551. 18. 7 Debts on the same. That the Superior Court has given a Licence to the said Administ<sup>x</sup> to sell the Real Estate for Payment of the Debts on said Estate; but so it is that said Thomas & Sarah refuse to sign a Deed for the Conveyance thereof, Praying that the Petitioner may be enabled to execute such Deed or that he may be otherwise relieved as this Court shall judge proper.

Read &

*Ordered* that the Petition<sup>r</sup> serve Thomas & Sarah Dolbear with a Copy of this Petition, that they may shew cause, if any they have on the first day of the next Session, why the Prayer thereof may not be granted. [*Passed October 26.*

## CHAPTER 156.

ORDER DIRECTING THE TREAS<sup>r</sup> TO SEND FURRS TO THE AGENT.

Legislative  
Records of the  
Council, xiv.,  
441.

House Jour-  
nal, pp. 108, 109,  
110. *Ante*,  
p. 514, chap.  
127.

*Ordered* that M<sup>r</sup> Treasurer Allen be & hereby is directed by the first opportunity to remit all the small Furrs & as much Bever as can be well spared from the Work men, now in his hands, & consign the same to Francis Wilks Esq<sup>r</sup> Agent for this Province at the Court of Great Britain; who is desired to dispose of the same for the use of the Province; to whom he is accountable for the neet Proceeds; & that the Stock for the Indian Trade be made good by such sum as the said Furrs would produce, if they were sold to the Merchants; & that the Gentlemen the Represent<sup>ves</sup> of Boston be desired to acquaint M<sup>r</sup> Treasurer with this Order. [*Passed October 27.*

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is October 22.



## CHAPTER 157.

## ORDER CONVENING THE GRANTEES OF NARRAGANSETT LANDS AT BOSTON.

WHEREAS an Order pass'd this Court the thirtieth of May last for assembling the Grantees of the two Narraganset Towns at the Town of Cambridge on the second Wednesday of the next Fall Session by reason of the Small Pox being in the Town of Boston, which is now removed from thence;

*Voted* that the said Grantees assemble in the Town of Boston on the second Wednesday of the next Sitting of this Court after a Recess; to transact the Affairs mentioned in an Order pass'd by this Court in December last, & that the Represent<sup>ves</sup> of the several Towns be desired to give publick Notice in their Town of this Vote with all convenient speed. [*Passed October 27.*]

Legislative  
Records of the  
Council, xiv.,  
441.

House Jour-  
nal, p. 109.  
*Ante*, p. 460,  
chap. 139;  
p. 472, chap. 4.

## CHAPTER 158.

ORDER OF NOTICE ON EDW<sup>d</sup> MOBERLYS PETITION FOR STAY OF EXECUTION.

A PETITION of Edward Moberly of Boston, Shewing that one James Adlington commenced an Action of the Case ag<sup>st</sup> the Petitioner at the last Inferior Court of Common Pleas for the County of Suffolk & recovered Judgment; And forasmuch as the said Adlington owes more to the Petition<sup>r</sup> upon Account than the Petitioner owes him, & Adlington's Writ was served so late that the Petition<sup>r</sup> had no time afterwards to take out his Writ for that Court, but at the last Inferior Court he brought his Action which is now depending by Appeal at the next Superior Court; Praying that the said Adlington's Execution may be stayed till the Issue of the said Appeal; & if the Petitioner sh<sup>d</sup> recover Judgment that the said Execution may be satisfied by discounting off of the sum the Petitioner shall recover.

Read &

*Ordered* that [the]<sup>1</sup> Petitioner serve the adverse Party with a Copy of this Petition, that he may shew cause, if any he have, on the first day of the next Sitting of the General Court why the Prayer thereof may not be granted, & that Execution be staid in y<sup>e</sup> mean time. [*Passed October 27.*]

Legislative  
Records of the  
Council, xiv.,  
441.

House Jour-  
nal, p. 108.

## CHAPTER 159.

ORDER OF NOTICE ON THE PETITION OF SAM<sup>l</sup> MOOR & OTHERS OF MENDON ABOUT THE ERECTION OF A MEETING HOUSE.

A PETITION of Samuel Moor & fifty others Inhabitants of the Town of Mendon, Shewing that there are great Divisions among them, as to the Place for setting up their Meeting house, that a disaffected Party have prevailed so far as to obtain a Vote for setting it in a very inconvenient Place, Therefore Praying that this Court would appoint a Committee to repair to Mendon & state the Place which they may think most convenient for erecting their Meeting house.

Legislative  
Records of the  
Council, xiv.,  
441.

Legislative  
Records of the  
Council, xiv.,  
212, 226. House  
Journal, p. 109.

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 498.

Read &

*Ordered* that the Petition<sup>r</sup> serve the Town of Mendon with a Copy of this Petition, that so they may give in their Answer thereto on the first Thursday of the next Session, & that they desist from raising their Meeting house in the mean time. [*Passed October 27.*]

## CHAPTER 160.

ORDER ALLOWING 4/ PER DIEM TO THE SPEAKER.

Legislative  
Records of the  
Council, xiv.,  
442.

Mass.  
Archives,  
xlviii., 484.  
House Jour-  
nal, pp. 109, 110.

*Ordered* that there be allowed & paid out of the publick Treasury after the Rate of Four shillings per Diem for every day of the Sessions of this Court since the last Election upon Certificate from the Clerk of the House to the Hon<sup>ble</sup> John Quincy Esq<sup>r</sup> Speaker, in Consideration of his constant Application in dispatching y<sup>e</sup> publick Affairs of the Province. [*Passed October 27.*]

## CHAPTER 161.

VOTE OF INSTRUCTIONS TO THE AGENT.

Legislative  
Records of the  
Council, xiv.,  
442.

House Jour-  
nal, p. 112.  
*Ante*, p. 514,  
chap. 127.

In the House of Represent<sup>ves</sup>

*Voted* that M<sup>r</sup> Speaker, M<sup>r</sup> Cook, M<sup>r</sup> Lewis, M<sup>r</sup> Welles, M<sup>r</sup> Hall, M<sup>r</sup> Bowles, & M<sup>r</sup> Cushing with such as the Hon<sup>ble</sup> Board shall appoint be a Committee in the Recess of the Court to prepare the Draught of an humble Address, to be made by both Houses to his Majesty, Setting forth their Proceedings relating to the support of his Majestys Governor here; The said Draught to be laid before both Houses at the next Sitting of this Court: In Council; Read & Concur'd; And Thomas Hutchinson Thomas Fitch, Thomas Palmer, William Dudley & Jonathan Remington Esq<sup>rs</sup> are joined in the Affair.

Thomas Hutchinson Esq<sup>r</sup> from the Committee of both Houses appointed for that Service reported a Draught<sup>1</sup> of Instructions to Francis Wilks Esq<sup>r</sup> Agent for this Province: Which was Accepted by both Houses. [*Passed October 28.*]

## CHAPTER 162.

ORDER ALLOWING 30/ TO COLL. JOS. GERRISH.

Legislative  
Records of the  
Council, xiv.,  
443.

House Jour-  
nal, p. 91.

AN ACCOUNT presented by Joseph Gerrish Esq<sup>r</sup> of Horse Hire, Time & Expence in a Journey by Order<sup>2</sup> of the Governm<sup>t</sup> Amounting to 30/<sup>s</sup> [*Read and*]

*Ordered* that the sum of Thirty shillings be allowed out of the publick Treasury to the Accomptant Joseph Gerrish in full discharge of the said Accompt. [*Passed October 28.*]

<sup>1</sup> No copy of the draft has been found.

<sup>2</sup> The House Journal reads, "of His Excellency."

## CHAPTER 163.

ORDER ALLOWING £14. 18. 7 TO SIMON ROGERS.

A PETITION of Simon Rogers Taverner, Praying an Allowance for the General Courts Sitting in his House & for the Charge of Candles, & Fire wood together with the Expence of divers Committees.

Read and in Answer to this Memorial

*Ordered* that the Sum of fourteen Pounds Eighteen shillings & seven pence be allowed and paid out of the Publick Treasury to the Memorialist in full satisfaction for what is within mention'd to be by him paid to whom it is due. [*Passed October 28.*<sup>1</sup>

Legislative  
Records of the  
Council, xiv.,  
443. Mass.  
Archives,  
xlviii., 483.

House Jour-  
nal, p. 111.

## CHAPTER 164.

ORDER APPOINTING A COMMITTEE FOR BURNING DEFACED BILLS OF CREDIT.

In the House of Represent<sup>es</sup>

*Ordered* that M<sup>r</sup> Cook, M<sup>r</sup> Lewis, M<sup>r</sup> Welles, Major Brattle, M<sup>r</sup> Cushing, Major Bowles, M<sup>r</sup> Hall & M<sup>r</sup> Lemon with such as the Hon<sup>ble</sup> Board shall appoint be a Committee to take an Accompt (in the Recess of the Court) of torn & defaced Province Bills now in the hands of the Treasurer & burn them to Ashes; The Committee to take special Care that such as are fit for further Service be preserved.

In Council; Read & Concur'd; And Thomas Hutchinson, Thomas Fitch, William Dudley, William Clark, & John Alford Esq<sup>rs</sup> are joined in the Affair. [*Passed December 19.*

Legislative  
Records of the  
Council, xiv.,  
449.

House Jour-  
nal, p. 124.

## CHAPTER 165.

ORDER CONFIRMING 300 ACRES OF LAND TO THE HEIRS OF M<sup>R</sup> JOS. WILLARD DEC<sup>D</sup>.

A PLAT of Three hundred Acres of Land laid out Westerly of Lancaster additional Grant, & Easterly from Wachusets Hill, Beginning at a certain Pine Tree mark'd for the North east Corner: & running West 5 Deg. South 150 rods to a white Ash Tree there making an Angle; & running South 5 Deg. East 320 rods to a Pillar of stones, there making an Angle; & running East 5 Deg. North 150 rods to a Pillar of stones, there making an Angle; & running North 5 Deg. West 320 rods to the Place where it began, being bounded all round on common or undivided Lands; To fulfil a Grant made by this Court to the Sons & Heirs of the Rev<sup>d</sup> M<sup>r</sup> Joseph Willard late of Rutland Dec<sup>d</sup>

Read, and accepted and

*Ordered* that the Land particularly set forth and described in the within written Plan be and hereby is confirmed unto the Heirs of the Heirs of the<sup>2</sup> Rev<sup>d</sup> M<sup>r</sup> Joseph Willard late of Rutland deced and to their Heirs and Assigns forever

Provided the same do not exceed the Quantity of Land within mention'd nor interfere with any other or former Grant. [*Passed December 19.*

Legislative  
Records of the  
Council, xiv.,  
449. Maps and  
Plans, Mis.,  
vii., 5.

Maps and  
Plans, Mis.,  
vii., 5 *quater*.  
House Jour-  
nal, p. 123.

<sup>1</sup> Adjourned to December 16. See Legislative Records of the Council, xiv., 444.

<sup>2</sup> *Sic* as to the words repeated, "Heirs of the."

## CHAPTER 166.

## ORDER LOCATING A MEETING HOUSE IN BRIDGWATER WEST PRECINCT.

Legislative  
Records of the  
Council, xiv.,  
451, 452.

House Jour-  
nal, pp. 125, 127.  
*Ante*, p. 489,  
chap. 49.

SETH WILLIAMS Esq<sup>r</sup> from the Committee of both Houses on the Affair of Bridgwater West Meeting house gave in the following Report; viz,

The Committee, pursuant to the Order of the Great & General Court on the Petition of the West Precinct in Bridgwater within mentioned, have repaired to the said Precinct, viewed the Plan thereof, which was agreed on & allowed by each Party to be true & correct; & all Parties herein concerned being fully heard to make their Pleas, & after having taken a View of the Places proposed by the contending Parties for setting the new Meeting house; On mature Consideration, The Committee are of Opinion that the Place where the old Meeting house now stands is the most proper Place for the new Meeting [house]:<sup>1</sup> Which is submitted

In the Name & by Order of the Committee,      SETH WILLIAMS

Read &

*Ordered* that the Report be accepted, & that the Meeting House in the West Precinct in Bridgwater be placed accordingly. [*Passed December 21.*]

## CHAPTER 167.

## ORDER ALLOWING £4. 10 TO EPHRAIM TUCKER.

Legislative  
Records of the  
Council, xiv.,  
451.

Legislative  
Records of the  
Council, xiv.,  
52, 227. House  
Journal,  
pp. 128, 129.

WHEREAS M<sup>r</sup> Ephraim Tucker, who was chosen & served as a Represent<sup>ve</sup> for the Town of Milton Anno Dom. 1728, by a Mistake was omitted in the List of Members delivered to the Treasurer for his Direction in paying them for their Travel & Attendance on the General Assembly at Salem in their Sessions in April Anno 1729; by w<sup>ch</sup> means he hath been kept out of the Pay by Law belonging to him, being Four Pounds ten shillings for twelve days Attendance, & three days Travel;

*Ordered* that there be allowed & paid out of the publick Treasury to the said M<sup>r</sup> Ephraim Tucker the above said sum of Four Pounds ten shillings, & that the said sum be added to the Town of Milton in the next Province Tax. [*Passed December 22.*]

## CHAPTER 168.

ORDER FOR THE ATTEND<sup>a</sup> OF THE SELECTMEN OF MENDON AT THE HEARING ON MENDON AFFAIR.

Legislative  
Records of the  
Council, xiv.,  
452.

Legislative  
Records of the  
Council, xiv.,  
448. House  
Journal, p. 132.  
*Ante*, p. 525,  
chap. 159.

THIS DAY being appointed for the Hearing of the Selectmen of Mendon to answer the Complaint of Samuel Moor & others for their casting Contempt on an Order of this Court referring to the Meeting house there; Three only of the five attended, the other two neglecting to appear

The following Vote pass'd in the Affair; viz,

Whereas David How & Joseph Sumner two of the Selectmen of the Town of Mendon have not attended this Court according to Order to answer a Complaint of Samuel Moor,

*Ordered* that the said David How & Joseph Sumner with Jacob

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council. xiv., 509.

Aldrich & Eleazar Daniels (two other of the Select men of the said Town) attend this Court without fail on Wednesday the thirtieth Instant at ten of the Clock in the Forenoon, then to answer to the Complaint of the said Moor for shewing Contempt to the Order of this Court. [*Passed December 24.*<sup>1</sup>

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## CHAPTER 169.

ORDER ALLOWING £56. 3 TO THO. FLEET.

AN ACCOMPT presented by Thomas Fleet of Paper & Printing of the Votes of the Represent<sup>ves</sup> from the 30<sup>th</sup> of June 1730, to the End of the Session in October last, Amounting to the sum of £56. 3.

Legislative  
Records of the  
Council, xiv.,  
453.

[Read and Accepted, and]

House Jour-  
nal, p. 129.

*Ordered* that the sum of Fifty six Pounds three shillings be allowed & paid out of the publick Treasury to the Accomptant Thomas Fleet in full Discharge of this Accompt. [*Passed December 24.*

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## CHAPTER 170.

ORDER FOR SETTING OFF PETER LUCE & OTHERS TO THE TOWN OF STOW.

ON THE PETITION of Peter Lucy, Timothy Gibson, John Marble, Edmund Brown, Robert Conant, Edward Fuller, Thomas Burk & John Jewell; All of Sudbury, [*ante*, p. 497, chap. 74]

Legislative  
Records of the  
Council, xiv.,  
456.

Read together with the Answer of the Town of Sudbury; & the same being fully considered,

House Jour-  
nal, pp. 39, 133.  
*Ante*, p. 497,  
chap. 74.

*Ordered* that the Prayer of the Petition be granted, & that the Petitioners with their Families & Estates be & hereby are set off from the Town of Sudbury & annexed to the Town of Stow to all Intents & Purposes whatsoever. [*Passed December 29.*

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## CHAPTER 171.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF JONAS HOUGHTON & OTHERS TO BE MADE INTO A TOWNSHIP.

ON THE PETITION of Jonas Houghton, Simon Stone & others [*ante*, p. 516, chap. 131]

Legislative  
Records of the  
Council, xiv.,  
457.

In the House of Represent<sup>ves</sup> Read together with the Answers of the Towns of Lancaster; Groton & Stow &

House Jour-  
nal, p. 136.  
*Ante*, p. 516,  
chap. 131.

*Ordered* that Major Brattle & M<sup>r</sup> Samuel Chandler with such as the Hon<sup>ble</sup> Board shall appoint be a Committee (at the Charge of the Petition<sup>rs</sup>) to repair to the Lands petitioned for to be a Township, & that they carefully view & consider the Situation & Circumstances of the Petitioners; & report their Opinion what may be proper for this Court to do in answer thereto; [at their next Session.]<sup>2</sup> In Council; Read & Conen<sup>d</sup>; And Spencer Phips Esq<sup>r</sup> is added on the Affair. [*Passed December 30.*

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is December 23.

<sup>2</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 516.

## CHAPTER 172.

ORDER GRANTING 200 ACRES OF LAND TO M<sup>r</sup> EBENEZER<sup>1</sup> MAHEW.

Legislative  
Records of the  
Council, xiv.,  
457.

House Jour-  
nal, pp. 135, 136.

A PETITION of M<sup>r</sup> Ebenezer<sup>1</sup> Mahew of Marthas Vineyard Clerk Setting forth his great Labours & Services in converting the Indians to Christianity & the Disadvantages accruing to his own private Estate in attending that Work, & Praying from this Court a Grant of some of the unappropriated Land of this Province in consideration of his said Service.

Read, & In answer to this Petition,

*Ordered* that the Petitioner be & hereby is impowered by a Surveyor & Chain men under Oath to lay out Two hundred Acres of the unappropriated Lands within this Province; & return a Plat thereof to this Court within twelve months for Confirmation. [*Passed December 30.*]

## CHAPTER 173.

VOTE ALLOWING £35 TO THE LIEUT. GOVERN<sup>r</sup>.

Legislative  
Records of the  
Council, xiv.,  
458.

Legislative  
Records of the  
Council, xiv.,  
447. House  
Journal,  
pp. 118, 141.  
*Infra*, chap.  
531.

THE HOUSE taking into Consideration the late Service Eastward of his Honour Lieut. Govern<sup>r</sup> William Tailer Esq<sup>r</sup> as well as his former Services are of Opinion that the sum of Thirty five Pounds be allowed & paid him out of the publick Treasury.

In Council; Read & Concur'd. [*Passed December 30.*]

## CHAPTER 174.

ORDER ALLOWING £60 TO THE DOOR KEEPER.

Legislative  
Records of the  
Council, xiv.,  
458.

House Jour-  
nal, p. 141.

*Ordered* that the sum of Sixty Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Richard Hubbard Door keeper to his Excellency the Govern<sup>r</sup> & this Court in full for one Years Service ending the nineteenth of February next. [*Passed December 30.*]

## CHAPTER 175.

ORDER OF NOTICE ON THE PETITION OF THE PROPRIETORS OF PUNTACHESSET PURCHASE.

Legislative  
Records of the  
Council, xiv.,  
458.

House Jour-  
nal, p. 140.

A PETITION of Job Ahmy & Thomas Manchester Agents for the Proprietors of the Lands called Puntachesset Purchase in the Town of Tiverton, Setting forth the great Uncertainty of the Bonnds of the said Lands according to the original Grant from the late Colony of Plymouth & the several Orders of the General Court for ruining the Lines of the said Purchase as it borders on the Town of Little Compton, by which means the said Proprietors are hinder'd of improving their Interest there; And therefore Praying that this Court would appoint a Committee for viewing the said Line, & hearing the Parties concern'd, & to examine the Records in order to determine the certain

<sup>1</sup> The House Journal reads, "*Experience.*"

Bounds by a Point of the Compass that so they may improve the said Lands.

Read & Refer'd for further Consideration to the second Wednesday of the next Session, &

*Ordered* that the Petitioners in the mean time serve the Proprietors of the Town of Little Compton with a Copy of the Petition that they may then shew cause, if any they have why the Prayer thereof should not be granted. [*Passed December 30.*]

## CHAPTER 176.

ORDER CONFIRMING TO BENJ MUZZY 200 ACRES OF LAND IN LIEU OF A FORMER GRANT.

A PETITION of Benjamin Muzzy, Praying for a Confirmation of Two hundred Acres of Land laid out to him by Jonas Houghton Survey<sup>r</sup> & two Chain men on Oath, bounded round by unappropriated Lands; the West Line running part on the East Edge of the great Wachuset Hill, Beginning at a Heap of Stones on the Edge of said Hill, & running East by the Needle, Two hundred Perch to a Heap of Stones; then North One hundred & sixty Perch to a black Birch, then West two hundred Perch to a Heap of Stones, & then South two hundred & sixty Perch to where it first began, To fulfill a Grant made to the Petitioner by this Court at the Session in November last.

Read &

*Ordered* that in Lieu of a Tract of Land formerly granted to Benjamin Muzzy within named, the Land within set forth & described be & hereby is confirmed to the said Benjamin Muzzy his Heirs & Assigns for ever, Provided the same do not exceed the Quantity within mentioned nor interfere with any other or former Grant. [*Passed December 30.*]

Legislative  
Records of the  
Council, xiv.,  
458.

House Jour-  
nal, p. 132.  
*Ante*, p. 473,  
chap. 7.

## CHAPTER 177.

ORDER ALLOWING £147. 10 TO THE GENTLEMEN FOR VIEWING FORTIFICATIONS.

THE HOUSE taking into Consideration the Services of the Gentlemen & their Servants, that lately went by his Excellencys Order to view the Fortifications &c are of Opinion that there be allowed & paid out of the publick Treasury the respective sums following viz, To Elisha Cook Esq<sup>r</sup> the sum of Twenty two Pounds sixteen shillings, Samuel Thaxter Esq<sup>r</sup> Nineteen Pounds, Spencer Phips Esq<sup>r</sup> Twenty three Pounds, John Quincy Esq<sup>r</sup> Twenty four Pounds ten-shillings, Thomas Berry Esq<sup>r</sup> One Pound, M<sup>r</sup> Edward Shove Nineteen Pounds, M<sup>r</sup> Belcher Noyes (Chaplain & Surgeon) Thirteen Pounds twelve shillings, M<sup>r</sup> Jones, Drummer Eleven Pounds two shillings, Cpt. Prothroes Servant, a Trumpeter, Seven Pounds, & to Andrew Cockrain, Servant to the Hon<sup>ble</sup> William Tailer Esq<sup>r</sup> Six Pounds being in the whole One hundred forty seven Pounds ten shillings.

In Council; Read & Concur'd. [*Passed December 31.*]

Legislative  
Records of the  
Council, xiv.,  
459.

Legislative  
Records of the  
Council, xiv.,  
383, 405, 409.  
House Jour-  
nal, pp. 144, 145.  
*Supra*, chap.  
173.

## CHAPTER 178.

ORDER GRANTING THE PETITION OF WM JENNISON & OTHERS FOR  
A NEW COUNTY.

Legislative  
Records of the  
Council, xiv.,  
459.

House Jour-  
nal, p. 130.  
Province  
Laws, ii., 584,  
chap. 8. *Ante*,  
p. 324, chap. 68.

ON THE PETITION of William Jennison in behalf of divers Towns in the Counties of Suffolk & Middlesex, Praying that a new County may be erected out of the Western Towns of said Counties,

Read again (together with the Papers & Plan relating to the Affair within mentioned) & In answer therunto;

*Ordered* that the Prayer of the Petition be so far granted as that the Towns of Worcester; Lancaster, Mendon, Brookfield, Woodstock, Oxford, Sutton (including Hassanimisco) Westborough, Shrewsbury, Southborough; Uxbridge, Rutland; Lunenburg, & the South Town laid out for the Narraganset Soldiers, & the Land lately granted to several Petition<sup>rs</sup> of Medfield, & all other Lands lying within the sd Townships with the Inhabitants thereon be erected into a new County; & that Worcester be the Shire Town, & that the Petition<sup>r</sup> have Liberty to bring in a Bill accordingly. [*Passed December 31.*]

## CHAPTER 179.

## ORDER FOR RUNNING THE LINE ON RHODE ISLAND COLONY.

Legislative  
Records of the  
Council, xiv.,  
460.

House Jour-  
nal, p. 147.  
Province  
Laws, ii., 624,  
chap. 15. *Ante*,  
p. 523, chap.  
133.

IN COUNCIL; The Board taking into Consideration a Letter from the General Assembly of the Colony of Rhode Island to this Court, Dated the tenth of the last month, Proposing that Commissioners be appointed by this Govern<sup>t</sup> to join with their Commission<sup>rs</sup> for settling the Divisional Line between this Province & that Colony; which the Board apprehend very necessary for maintaining a good Agreement between the two Governments & for composing & preventing any Differences among the Borderers on said Line; Therefore

*Ordered* that Samuel Thaxter, John Chandler & William Dudley Esq<sup>rs</sup> with such Gentlemen as shall be joined by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be & hereby are appointed Commissioners on behalf of this Government to meet Commissioners from the Govern<sup>t</sup> of Rhode Island, & with them to agree, issue, compromise, & finally settle the dividing Line or Boundary of that part of the Province which was formerly the Colony of New Plymouth, & the said Colony of Rhode Island; And the Conclusions & Agreements signed sealed & perfected by the said Commission<sup>rs</sup> of this Province with the said Commissioners of Rhode Island shall be for ever held good & valid by this Government; Provided that the Government of Rhode Island give the same full Power to their Commissioners; And that all Proceesses in the Law against any Persons that border on the said Line for Rates & Taxes to either Govern<sup>t</sup> be suspended in the mean time, Provided that the Govern<sup>t</sup> of Rhode Island give the like Order on their part: Report to be made of the Proceedings to this Court: In the House [of]<sup>1</sup> Represent<sup>ves</sup> Read & Concur'd, &

*Ordered* that M<sup>r</sup> Speaker, M<sup>r</sup> Blagrove, M<sup>r</sup> Shove & M<sup>r</sup> John Foster be joined in the Affair. [*Passed January 1.*]

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xiv., 520.



## CHAPTER 180.

ORDER ALLOWING £400 TO Y<sup>E</sup> JUDGES.

*Ordered* that the sum of Four hundred Pounds in Bills of Credit on this Province be allowed & paid out of y<sup>e</sup> publick Treasury to the Hon<sup>ble</sup> his Majestys Justices of the Superior Court of Judicature &c in proportion to the Courts they have attended the last Half year. [*Passed January 1.*]

Legislative  
Records of the  
Council, xiv.,  
461.  
House Jour-  
nal, p. 148.

## CHAPTER 181.

ORDER ALLOWING £70 TO THE SECR<sup>Y</sup>.

*Ordered* that the sum of Seventy Pounds in Bills of Credit on this Province be allowed & paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary of this Province for his service the last half year. [*Passed January 1.*]

Legislative  
Records of the  
Council, xiv.,  
461.  
House Jour-  
nal, p. 148.

## CHAPTER 182.

ORDER ALLOWING £100 TO THE TREAS<sup>R</sup>.

*Ordered* that the sum of One hundred Pounds in Bills of Credit on this Province be allowed & paid out of the publick Treasury to Jeremiah Allen Esq<sup>r</sup> Treasurer of this Province for his Service in the Treasury the year past. [*Passed January 1.*]

Legislative  
Records of the  
Council, xiv.,  
461.  
House Jour-  
nal, p. 148.

## CHAPTER 183.

ORDER ALLOWING £40 TO Y<sup>E</sup> CLERK OF THE HOUSE.

*Ordered* that the sum of Forty Pounds in Bills of Credit on this Province be allowed & paid out of the publick Treasury to Francis Foxcroft Esq<sup>r</sup> Clerk of the House for his service the year Currant; And that the further sum of Twenty Pounds in the like Money be allowed & paid out of the publick Treasury to the said Francis Foxcroft for his Trouble in preparing the Votes for the Press & Certificates for the Service of the Members of the House. [*Passed January 1.*]

Legislative  
Records of the  
Council, xiv.,  
461.  
House Jour-  
nal, p. 148.

## CHAPTER 184.

ORDER ALLOWING PAYMENT OF THE CASTLE W<sup>M</sup> MUSTER ROLL.

A MUSTER ROLL of the Garrison at his Majestys Castle William under Command of the Hon<sup>ble</sup> William Tailer Esq<sup>r</sup> Containing an Accompt of Wages due to them for their Service from the 29<sup>th</sup> of June 1730, to the 13<sup>th</sup> of December following, Amounting to the sum of £442. 4. 5.  
[Read and]

Legislative  
Records of the  
Council, xiv.,  
461.  
House Jour-  
nal, pp. 145, 146.

*Ordered* that the sum of Four hundred & forty two Pounds four shillings & five pence be allowed & paid out of the publick Treasury to the Hon<sup>ble</sup> William Tailer Esq<sup>r</sup> Captain & the Officers & Soldiers born on this Roll in full of the Wages to them respectively due. [*Passed January 1.*]

## CHAPTER 185.

ORDER ALLOWING £135. 7. 1 TO CPT. JN<sup>o</sup> LARRABEE FOR VICTUALLING ACCT AND FURTHER ADVANCING HIM £300.

Legislative  
Records of the  
Council, xiv.,  
461.

House Jour-  
nal, p. 143.

AN ACCOMPT presented by Cpt. John Larrabee of the Charge of victualling the Garrison at his Majestys Castle William under the Command of the Hon<sup>ble</sup> William Tailer Esq<sup>r</sup> from the 29<sup>th</sup> of June 1730 to the 13<sup>th</sup> of December following, Ballance thereof being £135. 7. 1.

[*Read and*]

*Voted* that the Ballance of One hundred & thirty five Pounds seven shillings & one peny above mentioned is due; And further to enable the said John Larrabee to victual the Castle within mentioned for the six Months curr<sup>t</sup>

*Ordered* that the sum of Three hundred Pounds be advanced & paid to him out of the publick Treasury M<sup>r</sup> Treasurer taking Security of him for accounting for the said Sum. [*Passed January 1.*]

## CHAPTER 186.

ORDER ALLOWING £30 ADDITION<sup>l</sup> TO THE SECRETARY.

Legislative  
Records of the  
Council, xiv.,  
462.

House Jour-  
nal, p. 148.  
*Ante*, p. 533,  
chap. 181.

*Ordered* that the sum of Thirty Pounds be allowed & paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary of this Province in consideration of his extraordinary Service. [*Passed January 1.*]

## CHAPTER 187.

ORDER GRANTING A LICENSE TO JOHN BRADSHAW TO KEEP A TAVERN IN MEDFORD.

Legislative  
Records of the  
Council, xiv.,  
462.

House Jour-  
nal, pp. 146, 147.  
Province  
Laws, ii., 415,  
chap. 1.

A PETITION of John Bradshaw of Medford in the County of Middlesex Shewing that he hath lately purchased of Benjamin Willis a House very commodious for an Inn or Tavern, & which has been improved by the said Willis in that Service, Therefore Praying that the Court of General Sessions of the Peace for the said County at their next Term may be impowered to grant him a Licence to keep a Tavern in the said House.

*Read &*

*Ordered* that the Prayer of the Petition be granted, & that the Justices of the Peace for the County afore said, be & hereby are authorized & impowered if they see cause, to grant a Licence to the Petitioner to keep a Tavern at the Place & House within mentioned, & that he may be in the mean time allowed to keep a Tavern, Provided he give Bond according to Law to one or more Justices of the Peace for said County; The time by Law being being<sup>1</sup> elapsed or any other Usage or Custom to the contrary notwithstanding. [*Passed January 1.*]

<sup>1</sup> *Sic.*

## CHAPTER 188.

### ORDER ALLOWING £12 TO CPT. JOS. HEATH.

A MEMORIAL of Cpt. Joseph Heath Praying for some Allowance from this Court for his Time & Trouble in drawing the Plans of the Fortifications in this Province; which he did by Order of the Gentlemen sent by his Excellency to view the said Fortifications.

Read and in Answer thereto

*Ordered* that the Sum of twelve Pounds be allowed and paid out of the publick Treasury to the Memorialist in full for the service above-mentiond. [*Passed January 1.*]

Legislative  
Records of the  
Council, xiv.,  
463. Mass.  
Archives,  
lxxii., 378.

House Jour-  
nal, p. 146.  
*Ante*, p. 531,  
chap. 177.

## CHAPTER 189.

### ORDER APPOINTING A COMMITTEE ON THE AFFAIR OF THE BARBADOS PETITION.

In the House of Represent<sup>ves</sup>

*Ordered* that M<sup>r</sup> Cook, M<sup>r</sup> Welles, M<sup>r</sup> Lewis, M<sup>r</sup> Cushing & M<sup>r</sup> Lynde with such as the Hon<sup>ble</sup> Board shall appoint be a Committee to give proper Instructions to the Agent of this Province to enable him to answer the Petition of the Planters & others of the Island of Barbadoes to his Majesty to prevent the Trade of the Northern Colonies to the French & Dutch Islands In Council; Read & Concur'd And Thomas Hutchinson Thomas Fitch Thomas Palmer & William Clark Esq<sup>rs</sup> are joined in the Affair. [*Passed January 1.*]

Legislative  
Records of the  
Council, xiv.,  
463.

Legislative  
Records of the  
Council, xiv.,  
453. House  
Journal,  
pp. 135, 151.

## CHAPTER 190.

### ORDER OF NOTICE ON FRAMINGHAM SOUTH<sup>N</sup> & EAST<sup>N</sup> INHAB<sup>TS</sup> PETITION TO DIVIDE THE TOWN.

A PETITION of Moses Haven & a great Number of the Inhabitants of the Town of Framingham living on the Eastern & Southern Side of the River, which runs thro<sup>t</sup> the said Town, Praying this Court would order that the Town be divided, & that the Inhabitants & Families with their Estates on the Southern & Eastern side of said River, consisting of the Number of sixty Families or more may be erected into a separate Township.

Read and

*Ordered* that the Petitioners serve the Town of Framingham with a Copy of this Petition that they may shew Cause if any they have on the second Thursday of the next Session of this Court why the Prayer thereof may not be granted.<sup>1</sup> [*Passed January 1.*]

Legislative  
Records of the  
Council, xiv.,  
463. Mass.  
Archives,  
cxiv., 42.

Mass.  
Archives,  
cxiv., 40.  
House Jour-  
nal, p. 144;  
p. 22 (Feb.,  
1730).

<sup>1</sup> February 19, 1730, this petition was dismissed. — House Journal, p. 22.



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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1730-31.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1730-31.

HIS EXCELLENCY JONATHAN BELCHER,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

JOSIAH WILLARD, Esq.,  
SECRETARY OF THE PROVINCE.

## REPRESENTATIVES OR DEPUTIES.

*February 10, 1730 to April 24, 1731.*

MR. JOHN QUINCY, SPEAKER.

### COUNTY OF SUFFOLK.

*Boston*, . . . Elisha Cook, Esq.,  
                  Mr. Ezekiel Lewis,  
                  Mr. Thomas Cushing,  
                  Mr. Samuel Welles.  
*Roxbury*, . . . Major John Bowles.  
*Dorchester*, . . . Mr. Benjamin Bird.  
*Milton*, . . . Mr. Ephraim Tucker.  
*Braintree*, . . . John Quincy, Esq.  
*Weymouth*, . . . Mr. Thomas White.  
*Hingham*, . . . Mr. John Jacob.  
*Medfield*, . . . Mr. Ebenezer Mason.  
*Dedham*, . . . Mr. Joseph Ellis.  
*Mendon*, . . . Mr. Seth Chapin, Junior.  
*Wrentham*, . . . Cpt. Robert Blake.  
*Brooklyn*, . . . Mr. Samuel White.  
*Woodstock*, . . . Major John Chandler.  
*Needham*, . . . Mr. Josiah Kingsbury.  
*Medway*, . . . Mr. Jonathan Adams.  
*Sutton*, . . . Mr. Samuel Dudley.  
*Oxford*, . . . Mr. Ebenezer Learned.  
*Stoughton*, . . . Mr. Moses Gill.

### COUNTY OF ESSEX.

*Salem*, . . . Benjamin Lynde, Jr., Esq.,  
                  Mr. John Wolcot.

### COUNTY OF ESSEX — *Concluded.*

*Ipswich*, . . . Mr. Jonathan Fellows,  
                  Mr. John Choat.  
*Newbury*, . . . Joseph Gerrish, Esq.,  
                  Henry Rolfe, Esq.  
*Lynn*, . . . Mr. Ebenezer Burrill.  
*Marblehead*, . . . Mr. Jeremiah Gatchel.  
*Haverhill*, . . . Mr. Nathan Webster.  
*Rowley*, . . . Mr. John Hobson.  
*Salisbury*, . . . Mr. William True.  
*Glocester*, . . . Capt. Andrew Robinson.  
*Andover*, . . . Mr. Joseph Parker.  
*Topsfield*, . . . Capt. Joseph Gould.  
*Beverly*, . . . Mr. William Elliot.  
*Wenham*, . . . Capt. William Rogers.  
*Boxford*, . . . Capt. Joseph Hale.  
*Bradford*, . . . Mr. John Hutchins.  
*Amesbury*, . . . Mr. Thomas Hoyt.

### COUNTY OF MIDDLESEX.

*Cambridge*, . . . Major William Brattle.  
*Charlestown*, . . . Mr. Stephen Hall,  
                  Mr. Joseph Lemon.  
*Watertown*, . . . Mr. Nathan Fisk.  
*Concord*, . . . Mr. Samuel Chandler.  
*Newtown*, . . . Mr. Richard Ward.

<sup>1</sup> See Legislative Records of the Council, xv., 1, 2. No Councillors were elected for this year.

COUNTY OF MIDDLESEX—*Concluded.*

*Sudbury*, . . . Mr. Daniel Eastabroke.  
*Marlboro',* . . . Mr. Nathan Brigham.  
*Lancaster*, . . . Mr. Josiah White.  
*Sherburn*, . . . Mr. John DAeth.  
*Groton*, . . . Mr. John Langley.  
*Frammingham*, . . . Mr. Edward Goddard.  
*Chesterford*, . . . Mr. William Fletcher.  
*Billerica*, . . . Capt. Benjamin Thomson.  
*Woburn*, . . . Mr. John Fowles.  
*Ruding*, . . . Mr. Thomas Bancroft.  
*Malden*, . . . Mr. Jacob Wilson.  
*Lexington*, . . . Mr. Benjamin Willington.  
*Weston*, . . . Francis Fulham, Esq.  
*Worcester*, . . . Mr. Benjamin Flagg.  
*Medford*, . . . Mr. Benjamin Willis.

COUNTY OF HAMPSHIRE.

*Springfield*, . William Pynchon, Esq.,  
Mr. William Pynchon.  
*Northampton*, . Mr. Ebenezer Wright.  
*Hatfield*, . . . Mr. Nathaniel Colman.  
*Hudley*, . . . Eleazar Porter, Esq.  
*Enfield*, . . . Mr. Joseph Sexton.  
*Brookfield*, . Mr. Thomas Gilbert.  
*Suffield*, . . . Capt. John Kent,  
Mr. Abraham Adams.

## COUNTY OF PLYMOUTH.

*Plymouth*, . . . Mr. John Foster.  
*Situate*, . . . Mr. Thomas Bryant.  
*Marshfield*, . . John Little, Esq.  
*Duxbury*, . . Capt. John Alden.  
*Bridgewater*, . Mr. Nehemiah Washburn.

COUNTY OF PLYMOUTH—*Concluded.*

*Middleboro,* . . . Mr. Samuel Barrow.  
*Rochester,* . . . Mr. Samuel Sprague.  
*Plympton,* . . . Mr. Samuel Bradford.  
*Pembroke,* . . . Mr. Elisha Bysby.

## COUNTY OF BARNSTABLE.

*Barnstable*, . . . Shubal Gorham, Esq.  
*Yarmouth*, . . . Mr. John Hedge.  
*Sandwich*, . . . Ezra Bourn, Esq.  
*Eastham*, . . . Mr. John Knowles.  
*Harwich*, . . . Mr. Edmund Freeman.

COUNTY OF BRISTOL.

*Bristol*, . . . Charles Church, Esq.  
*Taunton*, . . Mr. Ezra Dean.  
*Swansey*, . . Mr. Joseph Dean.  
*Rehoboth*, . . Mr. Jathniel Peck.  
*Tiverton*, . . Job Ahuy, Esq.  
*Dartmouth*, . Mr. John Akin.  
*Attleboro*, . . Mr. John Foster.  
*Norton*, . . . Mr. Samuel Breuntal.  
*Dighton*, . . . Mr. Edward Shore.  
*Little Compton*, Thomas Church, Esq.

## COUNTY OF YORK.

*York*, . . . . Mr. Samuel Sewall.  
*Kittery*, . . . Mr. Withers Berry.  
*Wells*, . . . . Joseph Hill, Esq.  
*Berwick*, . . Mr. Roger Plaisted.  
*Falmouth*, . . Mr. John Tyng.

IN THE COUNTY OF NANTUCKET.

*Sherburn, . . . George Bunker, Esq.*



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TENTH DAY OF FEBRUARY, A.D. 1730.

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## CHAPTER 1.

ORDER OF NOTICE ON JOS. BROWNS PETITION FOR A NEW TRIAL AND  
A SUSPENSION OF WRITS.

A PETITION of Joseph Brown of Boston Distiller Shewing that having divers Controversies in the Law with Godfrey Malbone of the Colony of Rhoad Island, he brought three Writs of Review against him to the present Superior Court at Boston, & the said Malbone living out of the Province & having no Estate in it he served those Writs on John Overing Esq<sup>r</sup> his Attorney; which service the said Court have judged insufficient; And forasmuch as the said Malbone hath commenced cross Actions against the Petitioner; therefore Praying that the Judges of the said Superior Court may be ordered to allow his Actions to proceed to a Trial, or that he may be otherwise relieved in the Premises as this Court shall order.

Read and

*Ordered* that the Petitioner Serve the Adverse Party or his Attorney with a Copy of this Petition that he may shew Cause (if any he have) on Munday next why the Prayer thereof may not be granted. (<sup>1</sup>The Writs of Review pending between the Petitioner and Malbone to be suspended in the mean time any Law <sup>2</sup>Usage or Custom to the Contrary notwithstanding. [*Passed February 12.*]

Legislative  
Records of the  
Council, xv., 5.  
Mass.  
Archives, xli.,  
109.

House Jour-  
nal, pp. 7, 8.

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## CHAPTER 2.

ORDER OF NOTICE ON W<sup>m</sup> ANTHONYS PETITION FOR A NEW TRIAL OF  
AN ACTION IN REVIEW.

A PETITION of William Anthony of Swanzey, Executor of the last Will & Testament of Abraham Anthony Dec<sup>d</sup> Shewing that he brought his Writ of Review, to be tried at the Superior Court of Judicature now sitting in Boston, against John Anthony of New York; which Writ was abated, the Court not judging the service thereof sufficient, And therefore Praying that, inasmuch as the said John Anthony lives out of the Province & has no Estate here, the Petitioner may be empowered to enter his Action de Novo, & that John Read Esq<sup>r</sup> Attorney to the said John Anthony may be obliged to defend it.

Read and

Legislative  
Records of the  
Council, xv., 6.  
Mass.  
Archives, xli.,  
117.

Mass.  
Archives, xli.,  
114. House  
Journal, p. 11.

<sup>1</sup> *Sic*, as to mark of parenthesis.

<sup>2</sup> *Sic*.

*Ordered* that the Petitioner Serve the Adverse party or his Attorney John Read Esq<sup>r</sup> with a Copy of this Petition that he may Shew Cause if any he have, on thursday next, why the Prayer thereof may not be granted. [*Passed February 16.*]

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## CHAPTER 3.

### ORDER ALLOWING £5. 4 TO JN<sup>o</sup> SWEETLAND.

Legislative  
Records of the  
Council, xv., 6.  
House Jour-  
nal, p. 12.  
*Ante*, p. 523,  
chap. 153.

AN ACCOMPT presented by John Sweetland Constable of Attleborô of Time & Expence while he was in Custody of an Officer by Vertue of a Warrant from Justice Bartlet of Providence in the Colony of Rhoad Island, Amounting to the sum of £5. 4.

[Read and]

*Ordered* that the sum of Five Pounds four shillings be allowed & paid out of the publick Treasury to Cpt. John Foster by him to be repaid to the Accomptant in full discharge of the Acc<sup>t</sup>. [*Passed February 16.*]

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## CHAPTER 4.

### ORDER ON PETITION OF DIVERS INHAB<sup>ts</sup> OF DIGHTON FOR LIBERTY TO BUILD A BRIDGE.

Legislative  
Records of the  
Council, xv., 7.  
House Jour-  
nal, pp. 14, 17.

A PETITION of a considerable Number of the Inhabitants of the Town of Dighton, Setting forth that the said Town is situate on both sides of Taunton great River, that by reason of the difficulty of passing said River, the Inhabitants on the East side incline to be separated from the said Town, which would be ruinous to it; And forasmuch as a Bridge over said River would be of general benefit to that part of the Countrey as well as to the Town of Dighton, Praying that Liberty may be given to the said Town to build a Bridge there; which they are willing to do at their own Expence.

Read &

*Ordered* that the Petitioners serve the Town of Taunton with a Copy of the Petition, that they may shew cause, if any they have, on the first Tuesday of the next May Session, why the Prayer thereof may not be granted. [*Passed February 16.*]

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## CHAPTER 5.

### ORDER DISCHARGING THE TREASURER OF £29,193. 11. 4½ TORN AND DEFACED BILLS BURNT.

Legislative  
Records of the  
Council, xv.,  
10. Mass.  
Archives, ci.,  
515.

Mass.  
Archives, ci.,  
514. House

IN OBEDIENCE to the Order of the Great & General Court at their last Session appointing us the Subscribers a Committee to take an Accompt of Province Bills that are worn & defaced, We accordingly received of M<sup>r</sup> Treasurer Allen the several Bills of the Denomination in the above Accompt,<sup>1</sup> Amounting to the sum of Twenty nine Thousand one hundred & ninety three Pounds eleven shillings & four pence

<sup>1</sup> In Legislative Records of the Council, as cited in the margin.

half penny ; All which Bills we have consumed to Ashes As Witness our Hands

JOS. LEMON	EZEK. LEWIS
STEP. HALL	THO. CUSHING
JOHN BOWLES	THO. HUTCHINSON
W <sup>M</sup> BRATTLE	THO. FITCH
JOHN ALFORD	W <sup>M</sup> DUDLEY
ELISHA COOK	W <sup>M</sup> CLARK

Journal,  
pp. 11, 12.  
*Ante*, p. 527,  
chap. 164.

Read and

*Ordered* that the within written Report be accepted and

*Ordered* that M<sup>r</sup> Treasurer Allen be and hereby is discharged of the sum of twenty nine thousand one hundred and Ninety three Pounds eleven shillings and four pence ha'penny within mentioned. [*Passed February 16.*<sup>1</sup>

## CHAPTER 6.

ORDER ON JOS. BROWNS PETITION FOR THE CONTINUANCE OF AN ACTION.

ON THE PETITION of Joseph Brown, [*ante*, p. 541, chap. 1]

Read and

*Ordered* That the Judges of the Sup<sup>r</sup> Court of Judicature be and hereby are directed to continue the Actions of the within namd Godfrey Malbone until their next Session within and for the County of Snffolk that so the Petitioner may have an opportunity to bring forward his Actions at the same time, if he see Cause, and that all further Process be Staid in the mean time. [*Passed February 17.*

Legislative  
Records of the  
Council, xv., 7.  
Mass.  
Archives, xii.,  
110.  
Mass.  
Archives, xli.,  
109, 111, 112.  
House Jour-  
nal, pp. 15, 16.  
*Ante*, p. 541,  
chap. 1.

## CHAPTER 7.

ORDER OF NOTICE ON NEWTON PETITION TO BE RELEASED FROM CHARGE OF REPAIRING OR BUILDING THE BRIDGE OVER CHARLES RIVER.

A PETITION of the Town of Newton, Shewing that they have not the least benefit from the great bridge over Charles River at Cambridge And Praying that they may be exempted from bearing any Part of the Charge in the repairing or rebuilding of the said bridge.

Read &

*Ordered* that the Petitioners serve the Town of Cambridge with a Copy of this Petition that they shew cause, if any they have on the second Wednesday of the next Session of this Court, why the Prayer thereof sh<sup>d</sup> not be granted.<sup>2</sup> [*Passed February 17.*

Legislative  
Records of the  
Council, xv., 7.  
House Jour-  
nal, p. 15.  
*Ante*, p. 441,  
chap. 81.  
*Infra*, chap. 8.

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council, xv., 10, the date is February 17.

<sup>2</sup> At the hearing, June 14, 1731, this petition was dismissed.

## CHAPTER 8.

## ORDER OF NOTICE ON LEXINGTON PETITION TO BE RELEASED FROM CHARGE OF MAINTAINING THE CHARLES RIVER BRIDGE.

Legislative  
Records of the  
Council, xv., 8.

House Jour-  
nal, pp. 14, 15.  
Province  
Laws, i., 383,  
chap. 11.  
*Supra*, chap. 7.  
*Infra*, chap. 9.

A PETITION of the Town of Lexington, Shewing that whereas they are by Law obliged to contribute towards the repairing the great Bridge at Cambridge over Charles River, the same is of no benefit to them; And therefore Praying that the said Bridge, which is now in a ruinous Condition, may be demolished, or that they may be discharged from maintaining it.

Read &

*Ordered* that the Petitioners serve the Town of Cambridge with a Copy of this Petition, that they shew cause, if any they have, on the second Wednesday of the Session of this Court in May next, why the Prayer thereof may not be granted.<sup>1</sup> [*Passed February 17.*]

## CHAPTER 9.

## ORDER OF NOTICE ON WESTON PETITION FOR THE DEMOLITION OF THE CHARLES RIVER BRIDGE.

Legislative  
Records of the  
Council, xv., 8.

House Jour-  
nal, p. 15.  
*Supra*, chap. 8.  
*Infra*, chap. 10.

A PETITION of the Town of Weston, Setting forth that the great bridge over Charles River at Cambridge is a great hurt to the Trade of that River, & more especially to the Petitioners: and forasmuch as the said bridge is now in a very ruinous Condition Therefore Praying that it may be demolished.

Read &

*Ordered* that the Petitioners serve the Town of Cambridge with a Copy of this Petition that they shew cause, if any they have on the second Wednesday of the Session of this Court in May next, why the Prayer thereof may not be granted.<sup>1</sup> [*Passed February 17.*]

## CHAPTER 10.

## ORDER OF NOTICE ON THE NEEDHAM PETITION FOR THE DEMOLITION OF THE CHARLES RIVER BRIDGE.

Legislative  
Records of the  
Council, xv., 8.

House Jour-  
nal, p. 15.  
*Supra*, chap. 9.  
*Infra*, chap. 11.

A PETITION of the Town of Needham, Setting forth that the great Bridge at Cambridge over Charles River is a great hindrance & damage to the Towns situate on that river above Cambridge, & more especially to the Petition<sup>rs</sup> as to their Timber trade: and forasmuch as the said bridge is gone to ruine, Praying therefore that it may be entirely demolished.

Read &

*Ordered* that the Petition<sup>rs</sup> serve the Town of Cambridge with a Copy of this Petition, that they shew cause, if any they have, on the second Wednesday of the Session of this Court in May next, why the Prayer thereof may not be granted.<sup>1</sup> [*Passed February 17.*]

<sup>1</sup> At the hearing, June 14, 1731, this petition was dismissed.

## CHAPTER 11.

### ORDER OF NOTICE ON THE FRAMINGHAM PETITION FOR THE DEMOLITION OF THE CHARLES RIVER BRIDGE.

A PETITION of the Town of Framingham, Setting forth that the great bridge at Cambridge does much obstruct the Trade on Charles River above the said Bridge, especially in building Vessels & floating Timber down to Boston; and forasmuch as the said bridge is in a very ruinous condition, Praying that it may be entirely demolished.

Read &

*Ordered* that the Petitioners serve the Town of Cambridge with a Copy of this Petition, that they shew cause, if any they have on the second Wednesday of the Session of this Court in May next, why the Prayer thereof should not be granted.<sup>1</sup> [*Passed February 17.*]

Legislative  
Records of the  
Council, xv., 9.  
House Jour-  
nal, p. 15.  
*Supra*, chap.  
10. *Infra*,  
chap. 12.

## CHAPTER 12.

### ORDER OF NOTICE ON THE SUDBURY PETITION FOR THE DEMOLITION OF THE CHARLES RIVER BRIDGE.

A PETITION of the Town of Sudbury Setting forth that the great bridge at Cambridge does much obstruct the Trade of the Towns on Charles River on or near to it above Cambridge; And forasmuch as the said bridge is greatly decayed, Praying that it may be entirely demolished.

Read &

*Ordered* that the Petitioners serve the Town of Cambridge with a Copy of this Petition, that they shew cause, if any the<sup>2</sup> have, on the second Wednesday of the Session of this Court in May next, why the Prayer thereof sh<sup>d</sup> not be granted.<sup>1</sup> [*Passed February 17.*]

Legislative  
Records of the  
Council, xv., 9.  
House Jour-  
nal, p. 15.  
*Supra*, chap.  
11.

## CHAPTER 13.

### ORDER ALLOWING £6 TO CPT. JOS. HEATH.

A MEMORIAL of Cpt. Joseph Heath, Praying for an Allowance from this Court for a Duplicate of the Draughts of the Fortifications within this Province, which he has made by Order of His Excellency the Governor

Read and

*Ordered* that the sum of Six Pounds be allowed and paid out of the publick Treasury to the Memorialist in full Discharge for the service within mention'd. [*Passed February 17.*]

Legislative  
Records of the  
Council, xv., 9.  
Mass.  
Archives,  
lxxii., 379.  
House Jour-  
nal, pp. 6, 7, 17.  
*Ante*, p. 535,  
chap. 188.

<sup>1</sup> At the hearing, June 14, 1731, this petition was dismissed.

<sup>2</sup> *Sic* for "they," in the State Library copy, Legislative Records of the Council, xv., 12.

## CHAPTER 14.

ORDER OF NOTICE ON THE PETITION OF THE PRESID<sup>t</sup> AND FELLOWS  
OF HARVARD COLLEGE REGARDING TITLE TO LAND.

Legislative  
Records of the  
Council, xv., 9.  
Mass.  
Archives,  
lviii., 302.

Mass.  
Archives,  
lviii., 300.  
House Jour-  
nal, p. 15.

A PETITION of the President & Fellows of Harvard College in Cambridge Setting forth that the General Court of the late Colony of the Massachusetts Bay did give & grant unto the said College Merriconeag Neck in Casco Bay with a Thousand Acres of Land adjoining; Which has never been laid out, And therefore Praying that they may have liberty by a Survey<sup>r</sup> & Chain men on Oath to lay out the said Lands & settle the Bounds thereof.

Read, and

*Ordered* that the Petitioners serve Adam Winthrop Esq<sup>r</sup> and associates (who are said to claim the Land within mention'd) with a Copy of this Petition, that they may shew Cause, if any they have, on Wednesday the twenty fourth Inst<sup>d</sup> why the Prayer of the Petition may not be granted. [*Passed February 18.*<sup>1</sup>]

## CHAPTER 15.

ORDER ON FRAMINGHAM INHABITANTS PETITION FOR A DIVISION OF  
THE TOWN.

Legislative  
Records of the  
Council, xv.,  
12. Mass.  
Archives,  
cxiv., 52.

Mass.  
Archives,  
cxiv., 49.  
House Jour-  
nal, pp. 15, 22.

A PETITION of Samuel How & a great Number of others Inhabitants of the Town of Framingham, Praying that the said Town may be divided into two Precincts or Towns by a Line running near Southeast & Northwest, & according to Coll Dudleys Plat. to cross the Center of said Town; which will much accomodate the Inhabitants as to their Attendance on the publick Worship of God there.

Read and

*Ordered* that the Petitioners serve the Town of Framingham with a Copy of the Petition that they may shew Cause (if any they have) on the Second Friday of the session of this Court in May next why the Prayer thereof may not be granted (unless the Parties come into some Accommodation in the mean time). [*Passed February 19.*]

## CHAPTER 16.

ORDER OF NOTICE ON NEHEM. RANDALS PETITION FOR LEAVE TO  
FILE A COMPLAINT.

Legislative  
Records of the  
Council, xv.,  
13.  
House Jour-  
nal, p. 16.

A PETITION of Nehemiah Randal of Scituate in the County of Plymouth, Praying for an Order of this Court to empower him to file his Complaint to the Superior Court next to be held for said County against Samuel Sprague of Rochester for not prosecuting at the last Superior Court for said County his Appeal from a Judgement obtained against him by the Petitioner on a Deed of Mortgage at an Inferior Court held in July 1727, the Petitioner having neglected to file his Complaint at the proper season by reason of his Ignorance of the Law.

Read & Refer'd to the second Wednesday of the Session of this Court in May next; &

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 17.

*Ordered* that the Petitioner in the mean time serve the adverse Party with a Copy of this Petition, that he may shew cause, if any he have why the Prayer thereof may not be granted. [*Passed February 19.*]

## CHAPTER 17.

### ORDER FOR CONTINUING THE PETITION OF JONAS HOUGHTON & OTHERS.

*Ordered* that the Committee appointed by this Court the 29<sup>th</sup> of Decem<sup>r</sup> to consider of the Affair mention'd in the Petition of Jonas Houghton & others (who were then Ordered to make report at the next Session of this Court) be & hereby are allowed & directed to bring in their Report at the Session in May next, And that all Parties concerned have seasonable Notice given them by the Peti[ti]oners of the Committees coming that so they may, if they see cause, attend them on that Affair. [*Passed February 19.*]

Legislative  
Records of the  
Council, xv.,  
13.

House Jour-  
nal, p. 122  
(Oct., 1730);  
p. 19. *Ante*,  
p. 529, chap.  
171.

## CHAPTER 18.

### ORDER ENTERING W<sup>m</sup> ANTHONYS ACTION OF REVIEW AND CONTINUING THE SAME.

ON THE PETITION of William Anthony, [*ante*, p. 541, chap. 2]  
Read, And it appearing that John Read Esq<sup>r</sup> has been duly served with a Copy of this Petition;

*Ordered* that the Prayer of this Petition be so far granted as that the Justices of the Sup<sup>r</sup> Court of Judicature be impowered & directed to Order that the Petition<sup>r</sup>s Action of Review within refer'd to be enter'd de Novo, & to continue the said Action over to the next Term, that so John Road Esq<sup>r</sup> Attorney to the Adverse Party may notify him thereof, & he may have Opportunity to defend the said Action; Any Law Usage or Custom to the Contrary notwithstanding. [*Passed February 20.*<sup>1</sup>]

Legislative  
Records of the  
Council, xv.,  
14. Mass.  
Archives, xli.,  
117.

Mass.  
Archives, xli.,  
114. House  
Journal, p. 25.  
*Ante*, p. 541,  
chap. 2.

## CHAPTER 19.

### ORDER ON W<sup>m</sup> HEADS PETITION FOR APPOINTING A GUARDIAN AND STAYING AN EXECUTION.

A PETITION of William Head of Little Compton in the County of Bristol a Minor, Shewing that his Father Benjamin Head Dec<sup>d</sup> in & by his last Will & Testament ordered that his Uncle Jonathan Head should be a Trustee for the Petition<sup>r</sup> till he should arrive at lawful Age, that the Petitioner being sensible of his Uncles Unfaithfulness in that Trust, applied him self to the Judge of Probate of the said County to appoint William Briggs to be his Guardian, which he did accordingly, that his said Uncle has lately sued the said William Briggs for the Rents of the Petitioners Estate, & recovered at the Inferior Court, & Judgement confirmed at the Superior Court, Praying that this Court would confirm his Choice of the said William

Legislative  
Records of the  
Council, xv.,  
14.

House Jour-  
nal, p. 21.

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 19.

Briggs to be his Guardian & the Judges Appointm<sup>t</sup> of him to that Trust.

Read &

*Ordered* that the Petition<sup>r</sup> serve the within named Jonathan Head with a Copy of the Petition that he shew Cause, if any he have, on the second Wednesday of the Session of this Court in May next, why the Prayer thereof sh<sup>d</sup> not be granted, & that Execution & other Process be staid in the mean time. [*Passed February 20.*]

## CHAPTER 20.

ORDER FOR LAYING OUT 100 ACRES OF LAND TO JAMES KEBBY.

Legislative  
Records of the  
Council, xv.,  
12. Mass.  
Archives,  
xvii., 506.

Mass.  
Archives,  
xvii., 505.  
House Jour-  
nal, pp. 13, 14,  
28.

A PETITION of Zechariah Fitch Guardian of James Kebby of Reading a Person Non Compos, Shewing that the General Court of the late Colony of the Massachusetts granted to William Perkins one hundred Aeres of Land in the Year 16 . . which John Perkins Son to the said William conveyed to the said Kebby in the year 1702, soon after which it pleased God to deprive the said Kebby of his Reason: In which state he has continued ever since, so that he has been incapable of applying for a Confirmation of the said Grant. And therefore Praying for Liberty from this Court to lay out the said Grant, & present a Plat thereof for Confirmation to the said James Kebby.

Read and

*Ordered* that the Prayer of the Petition be so far granted as that the Legal Representatives of William Perkins Dec<sup>d</sup> or their Assigns be & hereby are impowered to lay out, by a surveyer and Chainmen on Oath one hundred acres in some of the unappropriated Lands within this Province a Plat thereof to be return'd to this Court within twelve Months for Confirmation. [*Passed February 22.*<sup>1</sup>]

## CHAPTER 21.

ORDER ON PETITION OF THE GRANTEES OF BRIMFIELD FOR THE PRIVILEGES OF A TOWN.

Legislative  
Records of the  
Council, xv.,  
15. Mass.  
Archives,  
cxiv., 85.

Mass.  
Archives,  
cxiv., 81.  
House Jour-  
nal, pp. 14, 26.  
*Ante*, p. 511,  
chap. 117.  
*Infra*, chap. 22.

A PETITION of John Stebbins & sundry others Grantees of the Lands at Brimfield, Praying that they may be quieted in the possession of their original Grants, which they conceive they have a good right to, That the last Committee may be ordered to deliver the Book of the first Committees Grants to the Petitioners, & that the Grants made by the last Committee may be proportioned according to the Order of the General Court in making Brimfield a Township, That they may be set free from the Committee, & that the said Town may enjoy the same Privileges with other Towns in the Province, & that those to whom Grants have been made by the first Committee, the records whereof may have been casually lost, yet have fulfilled the conditions of the said Grants, may have the same established to them; And inasmuch as there wants three Lots or Grants to fill up the number of seventy, that those that are now improving or dwelling in Brimfield may fill up those Vacaneies.

Read and

*Ordered* that the Prayer of this Petition be so far granted as that Some of the principal Inhabitants of the Town of Brimfield be Served

<sup>1</sup> This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 18.



with a Copy of the Petition, that So they may give in their Reasons (if any they have) against the Prayer thereof on the Second Friday of the Sessions of this Court in May next; And that the last Committee of Brimfield be also Served with a Copy of the Petition that they may Shew Cause why the Same may not be granted, as to what refers to them; And also that the Said Committee do Suspend acting any further in the affair of Said Town til the order of this Court and that the said Committee be also directed to have the Books and Papers relating to the whole of the settlement of the said Town ready for the Perusal of this Court on the Second Friday beforemention'd and that the Inhabitants of the said Town be so far freed from a Committee and have and enjoy the Powers and Priviledges of a Town as to raise and make Taxes Call a Meeting chuse Town officers &<sup>ra</sup> Provided that in the use of the Said Powers they shall not presume to pass any acts or Grants that may affect the Property or any ways concern any of the Lands lying within the said Township and that the Committee for Brimfield be directed and Impowered to give Copys of Grants of Land to the non Resident Proprietors If they request the same

And that Cap<sup>t</sup> John Sherman, a principal Inhabitant of the said Brimfield be and hereby is fully authorized and impowered to notifie and warn the Freeholders and other Inhabitants of said Precinct to assemble and convene in Some publick place in Brimfield afores'd some time in March next requiring them to chuse all Town officers. [*Passed February 22.*]

## CHAPTER 22.

ORDER ON THE PETITION OF WM PYNCHON AND OTHERS PROPRIET<sup>RS</sup> OF BRIMFIELD FOR A CONFIRMATION OF LAND GRANTS.

A PETITION of William Pynchon & others Proprietors of Brimfield Complaining of some Hardships suffered by them as to their Proprieties by the Conduct of the present Committee, & Praying for a Confirmation from this Court of the Grants made to them in the said Town.

Read and accepted and

*Ordered* That this Petition be referr'd to the second friday of the next may session then to be considered with the other Petition and Matters relating to the affairs of the Town of Brimfield. [*Passed February 22.*]

Legislative  
Records of the  
Council, xv.,  
16. Mass.  
Archives,  
cxiv., 80.

Mass.  
Archives,  
cxiv., 78.  
House Jour-  
nal, pp. 22, 23,  
26. *Supra*,  
chap. 21.

## CHAPTER 23.

ORDER REFERRING TO THE NEXT MAY SESSION THE PETITION OF JOB ALMY &c.

ON THE PETITION of Job Almy &c, [*ante*, p. 530, chap. 175]

Read &

*Ordered* that the further Consideration of this Petition be refer'd to the second Wednesday of the next May Session. [*Passed February 23.*]

Legislative  
Records of the  
Council, xv.,  
16.

House Jour-  
nal, p. 30.  
*Ante*, p. 530,  
chap. 175.

## CHAPTER 24.

ORDER DIRECTING PAYMENT OF THE EXPENCE OF THE COMMITTEE  
IN VIEWING TAUNTON.

Legislative  
Records of the  
Council, xv.,  
17.

House Jour-  
nal, p. 35.  
*Ante*, p. 502,  
chap. 87.

AN ACCOMPT of the Time & Expence of the Committee appointed to view the Town of Taunton, Amounting to the sum of £17. 0. 7.

[Read and]

*Ordered* that this Accompt be allowed, & that the Petitioners of the North East Part of Taunton pay one half of the Accompt & that the Petitioners in the South West part pay the other half thereof. [*Passed February 23.*]

## CHAPTER 25.

VOTE ALLOWING £6 PER MONTH TO ABRA. JOHNSON FOR SERVICES  
AS INTERPRETER.

Legislative  
Records of the  
Council, xv.,  
18. Mass.  
Archives,  
lxxii., 380.

House Jour-  
nal, pp. 29, 31.  
*Ante*, p. 246,  
chap. 64.

A PETITION of Abraham Johnson Interpreter of the Indian Tongue at the Truck house on Saco River, Praying that he may be allowed Six Pounds per month as other Interpreters are from the 22<sup>d</sup> of September<sup>r</sup> last.

Read and

*Voted* that the Sum of Six Pounds per month be allowed the Petitioner from the twenty second day of September last to the time of Cap<sup>t</sup> Smith's making up his next Muster Roll for the service within mentiond. [*Passed February 24.*]

## CHAPTER 26.

ORDER ON JAC. CHALCOMS PETITION IMPOWERING HIM TO SELL LANDS  
FOR THE PAYMENT OF DEBTS.

Legislative  
Records of the  
Council, xv.,  
14, 17.

Mass.  
Archives,  
xxxi., 175.  
House Jour-  
nal, pp. 20, 28,  
37.

A PETITION of Jacob Chalcom of Natick Indian Praying for Liberty to sell thirty six or thirty eight Acres of Outlands, which Lands he purchased there, for payment of his Debts contracted by sickness in his family, to build a Barn, to buy Husbandry Tools & to purchase other Lands lying near his House & more commodious for him.

In the House of Represent<sup>es</sup> Read &

*Ordered* that the Petition be so far granted as that the Petitioner be & hereby is impowered to make sale of the Outlands within mentioned; The Proceeds thereof to be disposed of for the Uses within mentioned.

In Council; Read & Concur'd. And that Francis Fulham Esq<sup>r</sup> be desired to assist the Petitioner as well in the sale of Lands as in the laying out the Produce thereof for the Uses above mentioned.

In the House of Represent<sup>es</sup> Read & Concur'd. [*Passed February 26.*<sup>1</sup>]

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is February 23.

## CHAPTER 27.

ORDER ON GEO. DUNBARS PETITION FOR LEAVE TO FILE A COMPLAINT.

ON THE PETITION of George Dunbar [*ante*, p. 496, chap. 72]

Read, And it Appearing that the adverse Party was duly served with a Copy of this Petition,

*Ordered* that the Prayer of the Petition be granted And the Petitioner is accordingly impowered to file his Complaint at the next Sup<sup>r</sup> Court of Judicature to be holden at Bristol for the County of Bristol against Isaac Reynolds for not prosecuting his Appeal within mentioned, And the Justices of the said Court are Authorized & Directed to proceed on the said Complaint according to the Directions of the Law; Provided the Petition<sup>r</sup> Notify the said Reynolds of this Order fourteen Days before the sitting of the said Court; Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed February 26.*]

Legislative  
Records of the  
Council, xv.,  
20. Mass.  
Archives, xli.,  
96.

Mass.  
Archives, xli.,  
94. House  
Journal, p. 38.  
*Ante*, p. 496,  
chap. 72.

## CHAPTER 28.

ORDER ON PETITION OF THE SELECT MEN OF LEICESTER FOR RELIEF FROM SUPPORT OF A MINISTER.

A PETITION of the Select men of the Town of Leicester, Complaining of great Irregularities & ill Conduct in their Minister, M<sup>r</sup> David Parsons, for which the Town have voted to dismiss him; Notwithstanding which the Petitioners have been fined for not assessing his salary; Praying for relief.

Read &

*Ordered* that the Petitioners serve the Rev<sup>d</sup> M<sup>r</sup> David Parsons with a Copy of this Petition, that so he may shew Cause, if any he have on the first Fryday of the next May Session why the Prayer of the Petition should not be granted; And that Execution be staid in the mean time. [*Passed February 26.*]

Legislative  
Records of the  
Council, xv.,  
21.

House Jour-  
nal, p. 38.

## CHAPTER 29.

VOTE ALLOWING £25 TO JER. MOULTON.

A MEMORIAL of Jeremiah Moulton Esq<sup>r</sup> Sheriff of the County of York Shewing that the Govern<sup>r</sup> & Council in passing his Accompts in subsisting the Prisoners taken at Pemaquid upon a Warrant of the Justices of the said County allowed but two shillings & six pence, so that he has a great Loss in that Article, unless he be relieved by this Court; And therefore Praying for an Allowance of Forty one Pounds in full of his Accompts.

Read &

*Voted* that the sum of Twenty five Pounds be allowed to the Petition<sup>r</sup> for defraying y<sup>e</sup> Charge within mentioned. [*Passed February 26.*]

Legislative  
Records of the  
Council, xv.,  
21.

House Jour-  
nal, p. 34.

## CHAPTER 30.

## ORDER ON REPORT ABOUT LANDS NEAR BRIDGWATER.

Legislative  
Records of the  
Council, xv.,  
22.

Mass.  
Archives,  
xlv., 42.  
House Jour-  
nal, pp. 9, 10.  
*Ante*, p. 506,  
chap. 93.

IN OBEDIENCE to the Order of the Hon<sup>ble</sup> General Court of Septem<sup>r</sup> last, Directing the Subscribers & M<sup>r</sup> John Foster (who has notified but not present) to inquire into the Right the Province has to a certain Gore or Parcel of Land lying on Bridgwater Six miles Line in the County of Plymouth, having according to Order seasonably notified the Towns of Abingdon, Braintree & Dorchester Cpt. Enoch Lovel & Andrew Ford, who only attended us; We repaired to the said Land the third of Febr<sup>y</sup>. Instant; & the said Lovel & Ford made out their right to most of the said Gore of Land . . . mentioned in M<sup>r</sup> Benjamin Allens Petition, Part whereof he had also surveyed, being the two miles of Land Westerly of M<sup>r</sup> Hatherlys Grant or the Share Land, & on which there are several Houses, & the Land improved & quietly possessed for fifty or sixty years; The said Lovel & Ford also claimed the Land still Westward of this Two Mile Grant as far as Perigrine Whites Land by a Quit Claim only of Major Bradford Dated the 11<sup>th</sup> of March 169<sup>4</sup>, with this express Saving therein, of all manner of Right & Title any other Person or Persons whatsoever have therein, but did not produce or pretend to any Court Grant therefor; We do therefore humbly report that the Province have a just right to the Land lying between the said Lovels & Fords Lands on the East; the Westward Bounds thereof are well known, & Whites Farm on the West, the Patent Line on the North, & Bridge-water six Mile Line on the South, Containing Four hundred & thirty seven Aeres two quarters & thirty three perch; A Plat whereof taken from & produced by said Lovel & Ford is also annexed.

All which is humbly submitted by

W<sup>m</sup> DUDLEY  
EDW<sup>d</sup> SHOVE

Febr<sup>y</sup>. 12. 1730.

In Council; Read &

*Ordered* that this Report be accepted.

In the House of Represent<sup>es</sup> Read & Concur'd &

*Ordered* that M<sup>r</sup> Shove with such as shall be joined by the Hon<sup>ble</sup> Board be & hereby are appointed & empowered to demand Possession of the Land within mentioned, & in case of any Person or Persons refusal, then the said Gentlemen are to bring forward their Writ of Ejectm<sup>t</sup> for recovery thereof: In Council; Read & Concur'd. And William Dudley Esq<sup>r</sup> is joined in the Affair. [*Passed February 26.*<sup>1</sup>

## CHAPTER 31.

VOTE ALLOWING £15 TO W<sup>m</sup> JEFFRY.

Legislative  
Records of the  
Council, xv.,  
23.

House Jour-  
nal, p. 39.  
*Ante*, p. 234,  
chap. 37.

A PETITION of William Jeffry Indian, Shewing that in Consideration of his being disabled by Wounds received in the publick service, the Court have been pleased to allow him Five Pounds per Annum for several years, but that he has had no Allowance for the three last Years, altho he is disabled from Labour; Therefore Praying for an Allowance from this Court for the three last years in the same proportion.

Read &

<sup>1</sup> This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 27.

*Voted* that there be allowed the Petitioner for his Relief & support the sum of Fifteen Pounds being after the rate of Five Pounds per Annum for the three last years, to be paid to Cpt. Freeman, & by him to be paid out to the Petitioner, as his Necessities require; Said Freeman to be accountable for the distribution thereof; And in case the said William Jeffry should dy before the whole of the said sum be expended, the Remainder thereof to be paid into the Treasury. [*Passed March 2.*]

## CHAPTER 32.

### ORDER CONFIRMING THE ASSESSMENT OF THE TOWN OF SANDWICH.

A PETITION of Meletiah Bourn & Ezra Bourn Esq<sup>rs</sup> both of Sandwich in the County of Barnstable, Shewing that the Assessors of the said Town chosen in the Year 1727, were all sworn to their Offices & their Oath made of Record, excepting the Petitioner Ezra, whom the Petitioners verily believe was sworn, but thro' Hurry the Record thereof was omitted, And forasmuch as some Dispute may arise as to the Legality of the Assessments made that Year, which are not all collected, Therefore Praying the Order of this Court for rendering the same Valid, Notwithstanding s<sup>d</sup> Omission.

Legislative  
Records of the  
Council, xv.,  
23.

House Jour-  
nal, p. 23.

Read &

*Ordered* that the Prayer of the Petition be so far granted as that upon the Petitioner Ezra Bourn Esq<sup>r</sup> his making Oath before any two of His Majestys Justices of the Peace for the County of Barnstable that in making the Assessments above refer'd to, he acted agreeable to Law & the best of his Judgement, the said Assessments be accounted & held good & valid in the Law to all Intents & Purposes whatsoever, Any Law, Usage or Custom to the contrary notwithstanding. [*Passed March 2.*]

## CHAPTER 33.

### ORDER ON PETITION OF THE WEST PRECINCT IN WATERTOWN TO BE ERECTED INTO A TOWNSHIP.

A PETITION of Anthony Coverly & others a Committee for the West Precinct in the Town of Watertown, Shewing the great difficulties they are put to with respect to the School in the said Town & other Inconveniencies which they labour under by the Impositions of the other Part of the Town; And therefore Praying to be made a separate Township.

Legislative  
Records of the  
Council, xv.,  
24.

House Jour-  
nal, p. 45.

Read &

*Ordered* that the Petitioners serve the Town of Watertown with a Copy of this Petition, that they shew cause, if any they have, on the first Tuesday of the next May Session why the Prayer thereof should not be granted. [*Passed March 2.*]

## CHAPTER 34.

ORDER GRANTING 100 ACRES OF LAND TO ELIS<sup>A</sup> HAMMOND.

Legislative  
Records of the  
Council, xv.,  
24.

House Jour-  
nal, pp. 13, 28,  
44.

A PETITION of Elisabeth Hammond of Rochester, Daughter of Cpt. Richard Honywell Dec<sup>d</sup> Praying in consideration of her Fathers great services against the Indians & sufferings from them that a Grant may be made to her of some of the unappropriated Lands of the Province.

In the House of Represent<sup>ves</sup> Read &

*Ordered* that the Prayer of the Petition be so far granted as that the legal Represent<sup>ves</sup> of the within named Richard Honeywell be & hereby are empowered by a Survey<sup>r</sup> & Chain men on Oath to lay out Five Hundred Acres of some of the unappropriated Lands within this Province; A Plan thereof to be presented to this Court within twelve months for Confirmation.

In Council; Read & Concur'd so far as that One Hundred Acres of the unappropriated Lands be laid out &c: In the House of Represent<sup>ves</sup> Read & Concur'd. [*Passed March 2.*]

## CHAPTER 35.

## ORDER REFERRING ATTLEBORÔ PETITION FOR A TAX ON LAND TO THE NEXT MAY SESSION.

Legislative  
Records of the  
Council, xv.,  
24.

House Jour-  
nal, pp. 28, 29,  
43.

A PETITION of the Select men of the Town of Attleborô in the County of Bristol, Praying that the Lands of the Non resident Proprietors may be taxed at One penny per Acre per Annum towards defraying the publick Charges of said Town, & that they may be enabled to recover such Taxes when they shall be duly assessed.

Read &

*Ordered* that this Petition be refer'd to the first Tuesday of the next May Session, That the Non resident Proprietors may then have an Opportunity to shew Cause, if any they have, why the Prayer thereof should not be granted. [*Passed March 2.*]

## CHAPTER 36.

## VOTE ALLOWING 45/ TO JOHN ELDER.

Legislative  
Records of the  
Council, xv.,  
25.

House Jour-  
nal, p. 36.

A PETITION of John Elder, a Mariner belonging to the Country sloop Shewing that he has been put to Charge by reason of Sickness while he was in the service of the Province, Praying for an Allowance for defraying the said Charge, & some Consideration of Loss of Time.

Read &

*Voted* that the sum of forty five shillings be allowed the Petition<sup>r</sup> to defray the Charge within mentioned. [*Passed March 2.*]

## CHAPTER 37.

### ORDER ON JOS. GARDNERS PETITION FOR CONFIRMATION OF SALE OF REAL ESTATE.

A PETITION of Joseph Gardner of Gloucester Potter, Shewing that he holds some part of the Estate of Osman Dutch of said Place by virtue of an Order which was made by the General Court of the late Colony of the Massachusetts Bay for selling the same for the Maintenance of his Widow, And forasmuch as all the Formalities in the said Conveyance were not attended he is in danger of being disturbed in the Possession of the said Estate, Therefore Praying for an Order of this Court for confirming the sale of the said Estate to those he derives from.

Legislative  
Records of the  
Council, xv.,  
25.

House Jour-  
nal, p. 46.

Read &

*Ordered* that the Petitioner serve the Heirs or legal Represent<sup>es</sup> of the within named Osman Dutch with a Copy of this Petition, that so they may shew Cause, if any they have, on the second Wednesday of the next May Session, why the Prayer thereof may not be granted; & that all Process in the Law relating to the Premisses be staid in the mean time. [*Passed March 3.*]

## CHAPTER 38.

### ORDER ON L<sup>T</sup> JN<sup>O</sup> LARRABEES PETITION TO RECEIVE THE WAGES OF EDWARD DYE.

A PETITION of John Larrabee Lientent<sup>t</sup> of His Majestys Castle William Praying that he may be impowered to receive the Wages due to one Edward Dye a Soldier lately deceased there, to defray the Charge of his Funeral & other Debts contracted by him in his Lifetime.

Legislative  
Records of the  
Council, xv.,  
25.

House Jour-  
nal, p. 42.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petitioner be & hereby is allowed to receive the Wages due to the said Deceased for and towards defraying the Charge &c within mentioned. [*Passed March 3.*]

## CHAPTER 39.

### ORDER GRANTING W<sup>M</sup> COFFINS PETITION FOR A LICENSE TO KEEP A TAVERN.

A PETITION of William Coffin of Boston Praying that he may have Liberty from this Court to keep a Tavern in the House called the Bunch of Grapes, which was lately kept as a Tavern by M<sup>rs</sup> Rebecca Holmes Dec<sup>d</sup> upon his giving security in manner as by Law is required for Tavern keepers.

Legislative  
Records of the  
Council, xv.,  
26.

House Jour-  
nal, p. 46.  
Province  
Laws, ii., 415,  
chap. 1. *Ante*,  
p. 504, chap. 94.

Read &

*Ordered* that the Prayer of the Petition be so far granted, as that upon the Petition<sup>rs</sup> producing a Certificate of the Approbation of the Selectmen of Boston, the Justices of the Peace for the County of Suffolk be & hereby are authorized and impowered, if they see Cause at their next Session within & for said County to grant a Licence to the Petition<sup>r</sup> to keep a Tavern at the Place & House within mentioned; &

that he be in the mean [time]<sup>1</sup> allowed to keep a Tavern, Provided he give Bond according to Law to one or more Justices of the Peace in said County, The Time by Law being elapsed or any other Usage or Custom to the contrary notwithstanding. [*Passed March 3.*]

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## CHAPTER 40.

### VOTE ALLOWING £5 TO VINCENT SHICKLEWORTH.

Legislative  
Records of the  
Council, xv.,  
27.

House Jour-  
nal, p. 47.

A PETITION of Vincent Shickleworth of Wrentham Shewing that about twenty years since being in the publick Service he was with others sent by his Officer to gather Craneberrys & was unawares surrounded by the Fire in the Woods & so grievously burnt that he is now rendered uncapable of doing much for his support, Praying for some relief from the Compassion of this Court.

Read &

*Voted* that the sum of Five Pounds be allowed the Petitioner, to be put into the Hands of Cpt. Robert Blake, & by him to be paid to the Petitioner. [*Passed March 3.*]

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## CHAPTER 41.

### VOTE ALLOWING £15 TO ROBT WILSON.

Legislative  
Records of the  
Council, xv.,  
27.

House Jour-  
nal, p. 46.  
*Ante*, p. 436,  
chap. 70.

A PETITION of Robert Wilson, Shewing that having been wounded in the publick service, he is still disabled thereby; And therefore Praying that he may be posted at Castle William or at some other Fortification, or that he may be some otherwise relieved by this Court.

Read &

*Voted* that there be allowed to the Petitioner the sum of Fifteen Pounds, to be put into the Hands of M<sup>r</sup> Thomas Cushing, & by him to be delivered to the Petitioner as his Necessities call for it. [*Passed March 3.*]

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## CHAPTER 42.

### ORDER ON NORTH TOWN PETITION IN REGARD TO BOUNDARY LINE.

Legislative  
Records of the  
Council, xv.,  
28.

House Jour-  
nal, pp. 34, 35,  
37. *Ante*,  
p. 374, chap.  
217.

A PETITION of Joseph Stevens & others, a Committee for the North Town at Turkey Hills, Setting forth the Progress they have made in the Settlem<sup>t</sup> of the said Place according to the Order of the General Court, & Praying that a Plat of the said Town herewith exhibited may be allowed & confirmed, & that they may be vested with the Powers & Privileges of a Township, that so they may be able to assess & levy a Tax for the support of their Minister & receive other benefits necessary for them.

Read &

*Ordered* that Samuel Danforth Esq<sup>r</sup> with such as the Hon<sup>ble</sup> House of Represent<sup>ves</sup> shall appoint be a Committee to repair to the North Town at Turkey Hills, first notifying the Inhabitants of said Town, as also the Select men of Dunstable of the time of their coming, & that they carefully survey the Line between the said North Town &

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xv., 31.



Dunstable, & fully hear the Parties thereon, & make report to this Court at the next May Session Whether the Plat of the North Town given in to this Court eneroaches upon the Town of Dunstable according to its true & allowed Bounds, & what Quantity of Land it takes off from it; & that the Committee make Inquiry how far the Grantees of the North Town have fulfilled the Conditions of the said Grant, & what Settlements are made there, & make report as above; The Charges to be born at<sup>1</sup> this Court shall order. [*Passed March 3.*]

## CHAPTER 43.

### ORDER ON REPORT ABOUT PROVINCE LAND NEAR BRIDGEWATER.

IN OBEDIENCE to the Order of the Great & General Court appointing the Subscribers a Committee to demand possession of the Land lying on Bridgwater six mile Line, having notified Cpt. Enoch Lovel & M<sup>r</sup> Andrew Ford, who once claimed the said Land; And they now attending us to the Land, did disclaim, & declared they had no challenge or right thereto; And inasmuch as no other Person that we hear of, has any claim thereto, or is in possession; We therefore in the name of this General Court took possession of the said Land, containing in strict measure three hundred & twenty eight Acres & thirty three perch, as Province Land, in presence of Samuel Thaxter Esq<sup>r</sup> & the said Lovel & Ford, As Witness our Hands the third of March 1730.

W<sup>m</sup> DUDLEY } Comm<sup>tee</sup>  
EDW<sup>d</sup> SNOVE }

Read &

*Ordered* that this Report be accepted. [*Passed March 4.*]

## CHAPTER 44.

### ORDER OF NOTICE ON PETITION OF DIVERS INHAB<sup>ts</sup> OF MARSHFIELD & SCITUATE TO BE MADE A TOWN.

A PETITION of divers Inhabitants of the Northerly Part of the Town of Marshfield together with sundry Inhabitants of that Part of Scituate called the Two miles, Shewing that they are under great difficulties as to their attendance on the publick Worship of God, & that they are commodiously situated for a Township, And therefore Praying that they may be made a separate Town by the Bounds particularly set forth herein.

Read &

*Ordered* that the Petitioners serve the Towns of Marshfield & Scituate with a Copy of this Petition, that they may shew Cause, if any they have, on the second Tuesday of the next May Session why the Prayer thereof may not be granted. [*Passed March 4.*]

Legislative  
Records of the  
Council, xv.,  
29.

House Jour-  
nal, pp. 50, 51.  
*Ante*, p. 552,  
chap. 30.

Legislative  
Records of the  
Council, xv.,  
29.

House Jour-  
nal, p. 47.

<sup>1</sup> "As," in the State Library copy, Legislative Records of the Council, xv., 32.

## CHAPTER 45.

ORDER ON M<sup>R</sup> BENJA ALLENS PETITION FOR AN ENLARGEMENT OF HIS GRANT.

Legislative  
Records of the  
Council, xv.,  
30.

House Jour-  
nal, pp. 49, 50,  
*Idem*, p. 437,  
chap. 71; p. 557,  
chap. 43.

A PETITION of Benjamin Allen Clerk, Shewing that by Order of the General Court, granting him two hundred Acres of Province Land he surveyed that quantity in a place near Bridgewater, & returned a Plat thereof for Confirmation, but upon a suggestion that there was no Province Land there, his Plat was not allowed, that it has since been made to appear that the Land he laid out belongs to the Province; And therefore Praying that the same may be confirmed to him, or that he may be allowed Four hundred Acres to be laid out in some other Place.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petitioner have leave by a Surveyour & Chain men on Oath to lay out in addition to what was formerly granted him by this Court two hundred Acres of the unappropriated Land within this Province, so as to make up the whole four hundred Acres, a Plan thereof to be presented to this Court within twelve months for Confirmation. [*Passed March 5.*]

## CHAPTER 46.

## ORDER IMPOWERING ABIG. ALLEN TO SELL LANDS FOR THE PAYMENT OF DEBTS.

Legislative  
Records of the  
Council, xv.,  
30.

House Jour-  
nal, pp. 38, 50,  
Province  
Laws, li., 151,  
chap. 10.

A PETITION of Abigail Allen, Relict Widow of Joseph Allen late of Weston in the County of Middlesex Dec<sup>d</sup> together with the Children of the Deceased, Shewing that the said Abigail as Administ<sup>x</sup> has obtained Licence of the Superior Court to sell a Part of the Land of the said Intestates to pay his just Debts, but no Persons appear to purchase the same; though she is able to sell the whole for good Advantage; And therefore Praying for Liberty from this Court, to sell the whole of the said real Estate, she to be accomptable to the Judge of Probate for said County for what shall remain after the Debts are paid

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petition<sup>rs</sup> qualified as within mentioned be & hereby are impowered to sell all the real Estate of the within named Deceased Joseph Allen for the Payment of his just Debts; the Petitioners to post up Notifications thirty Days before the sale thereof, as the Law which impowers the Superior Court to give Licence to sell Lands for the Payment of Debts directs; The Overplus to be accounted for to the Judge of Probates for the County of Middlesex; And M<sup>rs</sup> Abigail Allen & Administ<sup>x</sup> of the s<sup>d</sup> Joseph Allens Estate to give Bond with sureties to the Judge of Probate in Case she receives one third part of the neet Produce of the said Estates that her Execent<sup>rs</sup> or Administ<sup>rs</sup> respectively upon her decease shall refund & pay back what she shall receive for & in lieu of her Dower in the s<sup>d</sup> Estate to the next & right Heirs of the Intestate: Any Law, Usage or Custom to the contrary notwithstanding. [*Passed March 5.*]

## CHAPTER 47.

ORDER CONFIRMING 100 ACRES OF LAND TO WM PERKINS HEIRS.

A PLAT of one hundred Acres of Land laid out by Nathan Haywood Survey<sup>r</sup> & two Chain men on oath, to fulfill a Grant of the General Court made in the Year 1679, to William Perkins Sen<sup>r</sup> lying Westerly of some Part of Lancaster new Grant, Southerly of some part of Lunenburg, Beginning at a certain black Birch Tree marked for the North East Corner, & running West 15 Deg. North one hundred rods to a Pillar of stones, there making an Angle, & running South 15 Deg. West one hundred & sixty rods to a white Oak Tree, there making an Angle, & running East 15 Deg. South one hundred rods to a Pillar of stones, there making an Angle & running North 15 Deg. East one hundred & sixty rods to where it began.

Read and Accepted and

*Ordered* that the Land within delineated and described be and hereby is confirm'd unto the Legal Representatives or Assigns of the withinnamed William Perkins their heirs and assigns forever Provided the same do not exceed the Quantity of one hundred acres nor interfere with any other or former Grant. [*Passed March 5.*]

Legislative  
Records of the  
Council, xv.,  
30. Maps and  
Plans, Mis.,  
vii., 8.

Maps and  
Plans, Mis.,  
vii., 8 *bis*.  
House Jour-  
nal, p. 50.

## CHAPTER 48.

ORDER CONFIRMING 300 ACRES OF LAND TO THE GOVERN<sup>R</sup>.

A PLAT of Land given in by His Excellency the Governor in part to fulfill a Grant of eight hundred Acres of Land made to him by this Court in October last, survey'd by Samuel Thaxter Esq<sup>r</sup> Adjoining to the Patent Line from Accord Pond to a Heap of Stones near Bridgewater, being Land reported by William Dudley Esq<sup>r</sup> & M<sup>r</sup> Edward Shove at this Session, to be disclaimed by Cpt. Enoch Lovel & M<sup>r</sup> Andrew Ford, being Three hundred & twenty eight Acres.

Read and

*Ordered* that the Land therein delineated and described be and hereby is confirmed to His Excellency Jonathan Belcher Esq<sup>r</sup> his Heirs and assigns forever, for three hundred acres, in part to fulfil the Grant of Eight hundred acres lately made to him by this Court;

Provided the said Land do not exceed the Quantity mentiond in the Plan nor interfere with any other or former Grant. [*Passed March 5.*<sup>1</sup>]

Legislative  
Records of the  
Council, xv.,  
32. Maps and  
Plans, Mis.,  
vii., 4.

Maps and  
Plans, Mis.,  
vii., 4. House  
Journal,  
pp. 51, 52.  
*Ante*, p. 515,  
chap. 129;  
p. 557, chap. 43.

## CHAPTER 49.

ORDER CALLING A TOWN MEETING IN PENICOOK.

A PETITION of the Proprietors of Penicook, Setting forth that they have paid into the hands of the Committee of the General Court the Consideration Money for their Lots there, that they have been at very great Charge for building a Meeting house & settling a Minister, making High ways &c, and that they are like to meet with difficulty in

Legislative  
Records of the  
Council, xv.,  
31.

House Jour-  
nal, pp. 63, 64,  
65. *Ante*,  
p. 430, chap. 57.

<sup>1</sup> This date is according to Maps and Plans and the House Journal; according to Legislative Records of the Council the date is March 6.

gathering the Money they have thus laid out; And therefore Praying that they may be made a Township & have the Privileges of other Towns within this Province, & that the Court would order that One hundred Pounds, or more of the Money they have paid in as afore said may be reimbursed them for the extraordinary Charges they have been at.

Read &

*Ordered* that this Petition be refer'd to the Session of this Court in May next, & that in the mean time Henry Rolfe Esq<sup>r</sup> give sufficient Warning by Notifications at Penicook & else where to the Inhabitants & Grantees of the said Tract of Land to assemble at their Meeting house on the last Monday (being the 29<sup>th</sup>) of this Instant March by ten of the Clock in the Forenoon, then & there to chuse a Clerk to enter all their Votes, Elections, Orders & Rules by the Inhabitants made, to chuse Assessors, & Collectors of all such Ministerial Rates & Taxes granted & agreed on by the Settlers & Grantees, & any other Rates & Taxes that may be thought necessary for the Well being of that Plantation, who are impowered hereby thereunto; All the Rates & Taxes to be levied equally on all the Lots, Except the Ministry & School Lots; And paid into the hands of the Assessors, by them to be disposed of for defraying the Ministerial & other Charges of the Plantation as the Settlers shall agree. to chuse a Constable, Fence Viewers & Hogrevs; All to be sworn to their respective Offices by the said Henry Rolfe, hereby appointed Moderator of the said Meeting; that the said Henry Rolfe take an exact Account of what is done in each Lot, in fencing, building & improving, & lay the same before this Court at the next May Session, That the Committee for the settlement of this Plantation be fully impowered to grant a new any Lots, the Grantees whereof have not complied nor shall comply by the first of June next with the Terms of their Grants & the Orders of this Court to such other Persons as shall speedily & effectually fulfill the Conditions of their respective Grants, & that the said Henry Rolfe do notify all the Settlers & Grantees of this Order for impowering the Committee; And that the said Plantation be & hereby is declared to ly in the County of Essex. [*Passed March 6.*]

## CHAPTER 50.

### ORDER OF NOTICE ON PETITION OF YE SOUTH PARISH IN READING IN REGARD TO BOUNDARY.

A PETITION of Thomas Eaton & others a Committee for the South Parish in Reading. Shewing that in the constituting the Town of Wilmington there was a considerable mistake in stating the bounds thereof, by which means divers families were taken off from the South Precinct in Reading more than were intended, Praying that the said families may be restored, & the bounds run agreeable to the Intention of the Court.

Read and

*Ordered* that the Petitioners Serve the Town of Wilmington with a Copy of the Petition that so they may shew Cause if any they have on the Second Tuesday of the next May Session why the Prayer thereof may not be granted. [*Passed March 6.*]

Legislative  
Records of the  
Council, xv.,  
53. Mass.  
Archives,  
cxiv., 10.

Legislative  
Records of the  
Council, xiv.,  
205. Mass.  
Archives,  
cxiv., 9.  
House Jour-  
nal, pp. 53, 54.  
Province  
Laws, ii., 556,  
chap. 2. *Ante*,  
p. 451, chap.  
113.

## CHAPTER 51.

### ORDER IMPOWERING AND. ROBINSON TO LAY OUT 300 ACRES OF LAND.

A PETITION of Cpt. Andrew Robinson of Glocester, Setting forth his services in the last War with the French & Indians, & his great Expences & Losses in fitting out his Vessel at several times in quest of the Enemy by Encouragement from the Governm<sup>t</sup> for which he has had no suitable recompence, Praying for some consideration from this Court for his said Services & Expences.

Legislative  
Records of the  
Council, xv.,  
35.

House Jour-  
nal, p. 58.

Read &

*Ordered* that the Petition<sup>r</sup> have leave by a Survey<sup>r</sup> & Chain men on Oath to lay out Three hundred Acres in some of the unappropriated Lands within this Province, a Plan thereof to be presented to this Court within twelve months for Confirmation. [*Passed March 9.*]

## CHAPTER 52.

### ORDER IMPOWERING JOHN TYNG TO LAY OUT 300 ACRES OF LAND.

A PETITION of John Tyng Son to Major William Tyng Dec<sup>d</sup> Setting forth the great services of his said Father in the War against the Indians, Having made many Marches & killed divers of them, & being him self slain by them, Praying for a Grant of some of the Lands of this Province.

Legislative  
Records of the  
Council, xv.,  
35.

House Jour-  
nal, pp. 58, 59.

Read &

*Ordered* that the Petitioner have leave in behalf of himself & the rest of the Heirs of Major William Tyng within named by a Survey<sup>r</sup> & Chain men on Oath to lay out three hundred Acres in some of the unappropriated Lands of this Province; A Plan thereof to be laid before this Court within twelve months for Confirmation. [*Passed March 9.*]

## CHAPTER 53.

### ORDER ON LOWER HOUSATANUCK SETTLERS PETITION FOR A TOWN MEETING.

A PETITION of the Settlers of the lower Town on Housatanuck River, Setting forth the many difficulties they are under by reason of their not having the Privileges of a Town, Praying that they may be admitted to all those Privileges, except what relates to the dividing the Land among the Proprietors, & that they may be allowed to tax y<sup>e</sup> Lands of the resident & non resident Proprietors at one peny an Acre per Annum for defraying the ministerial Charges of the said Town &c.

Legislative  
Records of the  
Council, xv.,  
36.

House Jour-  
nal, pp. 55, 56.  
*Ante*, p. 521,  
chap. 147.

Read & In answer thereto,

*Ordered* that the Petition<sup>r</sup> M<sup>r</sup> John Huggins be & hereby is impowered to summon & give Notice to the Inhabitants & Proprietors of the within named Township to meet together at some convenient Place there, who are hereby impowered to raise by a Tax such sum & sums as they shall judge necessary for defraying the Charges of the ensuing year, also to chuse a Clerk, Treasurer, Assessors & Collectors for the levying & collecting the Tax aforesaid (of which Meeting the said John Huggins to be the Moderator) And the Clerk so chosen, being first sworn before

one [of]<sup>1</sup> his Majestys Justices of the Peace for the County of Hampshire, is hereby impowered to administer the Oaths to the Assessors & Collector: And that the Collector so chosen is also impowered to execute the Office of a Constable; And the said Assessors are ordered to assess & levy such sum & sums as shall be agreed on to be raised, in equal proportion on all the Grantees of the said Township, as well those that do not reside there as those that do; And the said Constable or Collector is fully enabled to collect the same; And the Committee for settling the said Township are hereby directed &

*Ordered* without fail to lay the whole of their Accompts & Proceedings in the settlement of the said Town before this Court at the beginning of the next May Session in Order to discharging the Proprietors from being under the said Committee, & investing with the Powers, Privileges & Immunities that other Towns within this Province do enjoy. [*Passed March 9.*]

## CHAPTER 54.

### ORDER IMPOWERING THE COMMITTEE TO ASSESS THE NECESSARY CHARGES FOR THE NEW TOWN OF WILMINGTON.

Legislative  
Records of the  
Council, xv.,  
36.

House Jour-  
nal, p. 53.  
*Ante*, p. 556,  
chap. 42.

A PETITION of the Committee for the North Town of Turkey Hills Setting forth their great difficulties in raising a support for their Ministers. And Praying that all the Proprietors may be obliged to pay in proportion towards that Charge, & that some proper Persons may be impowered to collect and receive the same, as also Forty Pounds which is already assessed.

Read & In answer to this Petition,

*Ordered* that Joseph Stevens, Joshua Fletcher Andrew Spaulding, Timothy Heald, & Jonathan Melvin, the Committee within named be and hereby are fully authorized & impowered to levy & assess the necessary Charges arising in bringing forward the settlement of the within mentioned North Town, as also in the building an House for the publick Worship & in settling and supporting a Minister there, on the Proprietors of the Lands in the said North Town proportionably to their respective Proprieties such sums as shall be Voted by the Inhabitants of that Place; And that M<sup>r</sup> Joseph Spaulding an Inhabitant thereof be authorized & impowered to collect such sums as shall be assessed together with the sums already levied; which sundry Proprietors have hitherto neglected to pay; and deliver the same to the aforesaid Committee for the Ends & Uses afores<sup>d</sup> until this Court shall order otherwise. [*Passed March 9.*]

## CHAPTER 55.

### ORDER FOR SETTLING THE LINE ON NEW YORK PROVINCE.

Legislative  
Records of the  
Council, xv.,  
37.

House Jour-  
nal, pp. 62, 63.

IN THE HOUSE OF REPRESENT<sup>ES</sup> Whereas sundry Disputes & Differences have of late risen between some of the Inhabitants of this Province & of the Province of New York respecting the Boundary between this Province & that (near Housatanuck or Westen Hook so called) the settlement whereof is necessary,

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xv., 39.

*Ordered* that the Hon<sup>ble</sup> Elisha Cook & John Stoddard Esq<sup>rs</sup> & M<sup>r</sup> Samuel Welles with such as shall be joined by the Hon<sup>ble</sup> Board be & hereby are appointed Commissioners in behalf of this Government to meet Commissioners from the Governm<sup>t</sup> of New York for compromising the said Affair, & with them to agree upon finally settle the said Boundary or dividing Line; & their Conclusions & Agreem<sup>ts</sup> signed, sealed & perfected with the said Commiss<sup>rs</sup> of the Province of New York shall be for ever deemed & held good & valid by this Governm<sup>t</sup> Provided the said Power be given by the Province of New York to their Commissioners; And that all Processes in the Law against any Person or Persons that border on the said Line for Rates & Taxes to either Governm<sup>t</sup> be suspended in the mean time; Provided that the Governm<sup>t</sup> of New York give the like Order on their part; Report to be made of the Proceedings herein to this Court.

In Council; Read & Concur'd; & Samuel Thaxter & John Chandler Esq<sup>rs</sup> are joined in the Affair. [*Passed March 10.*]

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## CHAPTER 56.

ORDER IMPOWERING THO. & CHAR. CHURCH ESQ<sup>RS</sup> TO LAY OUT 300 ACRES OF LAND.

A PETITION of Thomas & Charles Church Esq<sup>rs</sup> Sons of Benjamin Church Esq<sup>r</sup> Dec<sup>d</sup> Setting forth the great services of their said Father in the French & Indian Wars, in divers Marches which he made against them, having killed a considerable Number of Indians & been at great Expence in raising & enlisting soldiers, for which he has had no sufficient recompence, & therefore Praying a Grant of some of the unappropriated Land of the Province

Legislative  
Records of the  
Council, xv.,  
39.

House Jour-  
nal, p. 62.

Read & In answer thereto,

*Ordered* that the Petitioners have Liberty for & in behalf of them selves & the rest of the Heirs & legal Represent<sup>ves</sup> of the afore named deceased to lay out by a Surveyor & Chain men on Oath three hundred Acres of some of the unappropriated Lands within this Province; A Plan thereof to be returned within twelve months to this Court for Confirmation. [*Passed March 10.*]

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## CHAPTER 57.

ORDER OF NOTICE ON DIGHTON EAST INHABITANTS PETITION TO BE MADE A TOWN.

A PETITION of divers Inhabitants of Dighton inhabiting on the East side of Taunton East River as also several Inhabitants of Taunton adjoining to them, Setting forth their difficulties in attending on the publick Worship in their respective Towns, & therefore Praying for an Order of this Court for separating them from the said Towns & making them a distinct Town.

Legislative  
Records of the  
Council, xv.,  
41.

House Jour-  
nal, pp. 69, 70.

Read & Refer'd for Consideration to the next May Session &

*Ordered* that the Petitioners in the mean time serve the Towns of Taunton & Dighton with a Copy of the Petition, that they may then shew Cause, if any they have, why the Prayer thereof may not be granted. [*Passed March 12.*]

## CHAPTER 58.

ORDER ON PETITION OF THE PROPRIETORS OF HATHORNS FARM FOR  
A RE-SURVEY OF THEIR LAND.

Legislative  
Records of the  
Council, xv.,  
41.

House Jour-  
nal, pp. 70, 71.  
*Ante*, p. 556,  
chap. 42.

A PETITION of Thomas Phillips for himself & the other Proprietors of the Lands called Hathorns Farm, Shewing that the Plan of the North Town lately given in interferes with their Grant, which is prior to that of the North Town; And for as much as this Court have ordered a Committee to view the Bounds of Dumstable & the said North Town, Praying that the Petitioners may be allowed by two able Survey<sup>rs</sup> to run the Lines of their Grant before the Plan of the said North Town be confirmed.

Read &

*Ordered* that the Prayer of the Petition be granted. [*Passed March 12.*]

## CHAPTER 59.

## ORDER FOR VIEWING THE GORE OF LAND NEAR TAUNTON.

Legislative  
Records of the  
Council, xv.,  
41.

House Jour-  
nal, p. 71.  
Province  
Laws, x., 68,  
chap. 152.

A PLAT of a Tract of Land or Gore lying between Taunton, Dighton, Norton & Rehoboth, taken by Samuel Thaxter Esq<sup>r</sup> in the Year 1720. In the House of Represent<sup>ves</sup> Read &

*Ordered* that Coll Church & M<sup>r</sup> Shove with such as the Hon<sup>ble</sup> Board shall appoint be a Committee to repair to said Land, & make Inquiry into the right of the Province thereto & to demand possession thereof, & to make report of their proceedings in that Affair the next May Session: In Council; Read & Concur'd & Samuel Thaxter Esq<sup>r</sup> is join'd in the Affair. [*Passed March 12.*]

## CHAPTER 60.

ORDER ON THE PETITION OF JN<sup>o</sup> ASHLEY & OTHERS ABOUT A FISH  
DAM.

Legislative  
Records of the  
Council, xv.,  
44.

House Jour-  
nal, p. 79.  
*Ante*, p. 522,  
chap. 150.

ON THE PETITION of John Ashley & others, Praying for Leave to exclude Persons from the benefit of their Fish Dam,

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the Petitioners have the Privilege & Use of the Branch of the River within mentioned for the space of three years next coming, ten rods above & ten rods below the Wear within mentioned. [*Passed March 17.*]

## CHAPTER 61

## ORDER ALLOWING £15 TO LIEUT. JOHN LARRABEE.

Legislative  
Records of the  
Council, xv.,  
44.

House Jour-  
nal, p. 78.

*Ordered* that the sum of Fifteen Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> John Larrabee Lieuten' of His Majestys Castle William in Consideration of his Cost & Trouble in enlisting Soldiers there. [*Passed March 17.*]



## CHAPTER 62.

### ORDER OF NOTICE, ON M<sup>RS</sup> ELIS<sup>A</sup> USHERS PETITION FOR POWER TO SELL LAND TO PAY DEBTS.

A PETITION of Elisabeth Usher, Shewing that the Estate of her late Husband John Usher Esq<sup>r</sup> Dec<sup>d</sup> (whereof she is Administ<sup>r</sup>) is much in Debt, & that the Land the Superior Court hath licenced her to sell will not produce sufficient to discharge the said Debts; & it being several months to the said Court in the County of Middlesex; Therefore Praying to be impowered by this Court to sell the whole of the s<sup>d</sup> Estate, & to accompt with the Judge of Probate in s<sup>d</sup> County for what Money will remain after said Debts are paid.

Legislative  
Records of the  
Council, xv.,  
45.

House Jour-  
nal, p. 76.  
*Ante*, p. 177,  
chap. 110.

Read &

*Ordered* that the Petitioner serve the Heirs of the within named Dec<sup>d</sup> with a Copy of the Petition, that they may shew cause, if any they have, on the first Wednesday of the next May Session why the Prayer thereof may not be granted. [*Passed March 18.*]

## CHAPTER 63.

### ORDER ON GEO. CAMPBELLS PETITION FOR A STAY OF EXECUTION.

A PETITION of George Campbell of Boston. Shewing that William Maxwell of Boston Merch<sup>t</sup> hath recovered Judgement against the Petitioner for £383. 8. 4 That the Petitioner hath a Note under the Hand of the said Maxwell for the sum of £95. 16 Sterling, but by reason of said Maxwells absconding he can not come at him to sue him for the said Note, & yet the Petitioner is every day liable to the said Maxwells Execution, Praying that the Officer may be directed to keep the Money recovered by Maxwell in his hands till he can have a Trial or that Maxwells Debt may be discounted out of it.

Legislative  
Records of the  
Council, xv.,  
46.

House Jour-  
nal, pp. 76, 77,  
82, 83.

Read & In answer to this Petition,

*Ordered* that unless the within named William Maxwell shall give sufficient Security to satisfy what by a due Course of Law may be recovered by the Petitioner on the Note within mentioned, the Sheriff (appointed for levying the Execution within refer'd to) be and hereby is directed & impowered to retain & keep in his hands the sum of Three hundred & fifty Pounds until such time as the Petitioner has had a Trial in the Law for the recovery of his Debt within mention'd & out of the said sum to discount to the value of what the judgem<sup>t</sup> shall amount to that may be by him obtained: And in Case the Petitioner shall fail of prosecuting his Suit within six months from the Date above, he shall allow for stopping the said sum the lawful Interest that might arise thereon until it may be paid to the said Maxwell The remainder of the said Maxwells Judgement (being Forty Pounds thirteen shillings & four pence)<sup>1</sup> to be paid to him or his Order, Any Law, Usage or Custom to the Contrary notwithstanding. [*Passed March 19.*]

<sup>1</sup> *Sic.*

## CHAPTER 64.

ORDER IMPOWERING SAM<sup>LE</sup> ABRAHAM TO SELL LAND TO PAY DEBTS.

Legislative  
Records of the  
Council, xv.,  
47.

House Jour-  
nal, p. 81.

A PETITION of Samuel Abraham of Natick Indian Praying for Liberty to sell twenty Acres of his Land or more in said Place to pay the debts he has contracted by reason of his Sons wounding an Indian, as also to buy Cattle &c

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the Petitioner have leave to dispose of so much of his common Land in Natick as is necessary to pay his lawful Debts in the Judgem<sup>t</sup> of Francis Fulham & William Brattle Esq<sup>r</sup> who are hereby appointed & impowered to assist the Petition<sup>r</sup> in selling the s<sup>d</sup> Land for the most it will fetch; giving at least ten days publick Notice of the time & place of the Sale; the Produce thereof to be applied to & for the purposes within mentioned. [*Passed March 19.*]

## CHAPTER 65.

## ORDER OF NOTICE ON JOS. MALLINSONS PETITION FOR RELIEF FROM PROCEEDINGS TO ENFORCE A MORTGAGE.

Legislative  
Records of the  
Council, xv.,  
48.

House Jour-  
nal, p. 82.

A PETITION of Joseph Mallinson, Complaining of divers hardships & Injuries he has suffered by reason of a Mortgage which he made of his Estate in the County of Plymouth to Jeremiah Allen Esq<sup>r</sup> & others & of the proceedings in suing out s<sup>d</sup> Mortgage, Praying for Redress.

Read & Refer'd to the second Wednesday of the Session of this Court in May next; &

*Ordered* that the Petitioner in the mean time serve the adverse Party with a Copy of this Petition, that they may shew cause, if any they have, why the Prayer thereof should not be granted. [*Passed March 19.*]

## CHAPTER 66.

ORDER ON MERCH<sup>TS</sup> MEM<sup>O</sup> ABOUT BILLS OF CREDIT.

Legislative  
Records of the  
Council, xv.,  
49.

House Jour-  
nal, pp. 73, 83,  
84.

A MEMORIAL of Jacob Wendell Esq<sup>r</sup> & others Merchants of the Town of Boston, Praying that this Court would make Fifty thousand Pounds in Bills of Credit of a new form, & give them out to a number of Merchants & others upon Real Security, of double the Value of what they shall take, to pay them into the Province Treasury in silver Money after the rate of Seventeen shillings per Ounce or Gold in proportion, within the term of five years, one fifth part every year, & the whole at the Expiration of the said Term, & make further Bills from time to time as the success of those shall prove & Borrowers appear to take them; And in Case the Court sh<sup>d</sup> not think this Method advisable, that they may have the Countenance of the Governm<sup>t</sup> for their forming them selves into a Corporation for carrying on some such Affair in their private Capacity for a redress of the Difficulties in the want of a Medium of Trade.

In the House of Represent<sup>ves</sup> Read &

*Ordered* that M<sup>r</sup> Speaker, M<sup>r</sup> Cook, M<sup>r</sup> Lewis, M<sup>r</sup> Welles & M<sup>r</sup> Lynde with such as shall be joined by the Hon<sup>ble</sup> Board be a Committee in the Recess of the Court, to consider of the said Memorial, & report at the May Session what may be proper for this Court to do thereon: In Council; Read & Concur'd, And Thomas Hutchinson, Thomas Fitch, William Dudley & Jonathan Remington Esq<sup>rs</sup> are joined in the Affair. [*Passed March 23.*]

## CHAPTER 67.

ORDER OF NOTICE ON THO. VERIENS PETITION FOR A REVIEW OF A JUDGMENT.

A PETITION of Thomas Verien Jun<sup>r</sup> of Boston Mariner Praying for Liberty to review at the next Superior Court for the County of York an Action brought against him by Axtel Roberts of Scarborough in the County of York, Which went against the Petitioner by Default at the last Superior Court

Legislative  
Records of the  
Council, xv.,  
50.

House Jour-  
nal, p. 90.

Read &

*Ordered* that the Petitioner serve the adverse Party with a Copy of the Petition that he may shew Cause, if any he have on the second Tuesday of the next May Session why the Prayer thereof should not be granted. [*Passed March 24.*]

## CHAPTER 68.

VOTE ALLOWING £5. 2. 5 TO JOHN FRENCH.

AN ACCOMPT presented by John French late Collector of the Town of Attleborô, of his Expence & Loss of time occasioned by a Prosecution in the Governm<sup>t</sup> of Rhoad Island for his levying Taxes assessed by Order of said Town of Attleborô, Amounting to the sum of £5. 16. 5.

Legislative  
Records of the  
Council, xv.,  
50.

House Jour-  
nal, p. 49.  
*Ante*, p. 523,  
chap. 151.

[Read and]

*Voted* that the sum of Five Pounds two shillings & five pence be allowed the Accomptant in full Discharge of this Accompt. [*Passed March 24.*]

## CHAPTER 69.

ORDER ALLOWING £11. 18 TO JER. ALLEN ESQ<sup>r</sup>.

A PETITION of Jeremiah Allen Esq<sup>r</sup> Treasurer, Shewing that in his said Capacity he prosecuted an Action against William Beard Mariner for bringing in the Infection of the Small Pox contrary to Law In which Action the Petitioner was cast, & Judgement went against him for Costs, Amounting to the sum of £11. 18 And forasmuch as the Petitioner had no Aim at any personal benefit in the said Suit, Praying that the said sum may be allowed him.

Legislative  
Records of the  
Council, xv.,  
51.

House Jour-  
nal, p. 90.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Sum of Eleven Pounds eighteen shillings be allowed the Memorialist for satisfaction of his Trouble & Cost in the Case within mentioned. [*Passed March 24.*]

## CHAPTER 70.

ORDER IMPOWERING A MAJORITY OF THE COMMISSIONERS ON THE  
NEW YORK BOUNDARY LINE TO BE A QUORUM.

Legislative  
Records of the  
Council, xv.,  
52.

House Jour-  
nal, p. 97.  
*Ante*, p. 562,  
chap. 55.

WHEREAS this Court have appointed & fully impowered Commissioners to meet with Commissioners from the Governm<sup>t</sup> of New York, & with them to agree upon a Settlem<sup>t</sup> of the Boundary Line between this Province & that;

*Ordered* that the Major Part of the Commissioners appointed by this Governm<sup>t</sup> be a Quorum for transacting that Affair, & that the Conclusions & Determinations of such Major Part shall be as valid & effectual as if all the said Commissioners should agree therein. [*Passed March 29.*]

## CHAPTER 71.

ORDER IMPOWERING A MAJORITY OF THE COMMISSIONERS ON THE  
RHOD ISLAND LINE TO BE A QUORUM.

Legislative  
Records of the  
Council, xv.,  
52.

House Jour-  
nal, p. 97.  
*Ante*, p. 532,  
chap. 179.

WHEREAS this Court have appointed & fully impowered Commissioners to meet with Commissioners from the Governm<sup>t</sup> of Rhoad Island, & with them to agree upon a Settlem<sup>t</sup> of the Boundary Line between this Province & that Colony;

*Ordered* that the Major Part of the Commissioners appointed by this Governm<sup>t</sup> be a Quorum for transacting that Affair, & that the Conclusions & Determinations of such Major Part shall be as valid & effectual as if all the said Commissioners should agree therein. [*Passed March 29.*]

## CHAPTER 72.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF THE NORTH  
EAST INHAB<sup>TS</sup> OF LANCASTER.

Legislative  
Records of the  
Council, xv.,  
53.

House Jour-  
nal, p. 96.  
*Ante*, p. 529,  
chap. 171.  
*Infra*, chap. 73.

A PETITION of Jacob Houghton & others Inhabitants of the North Easterly Part of the Town of Lancaster, Praying that they may be set off from Lancaster & constituted a distinct Township by the Bounds particularly described in the said Petition, or that a Committee of this Court may be ordered to view their Land & consider the Circumstances of the Petitioners & report their Opinion as to the Township prayed for.

Read &

*Ordered* that this Petition be refer'd to the Committee appointed in Decem<sup>r</sup> last to consider the Petition of Jonas Houghton & others, They to repair to the Land petitioned,<sup>1</sup> carefully view & consider the situation thereof & the Circumstances of the Petitioners, (giving seasonable Notice of their Coming) & report their Opinion what may be proper for this Court to do in answer to this Petition at their Session in May next; the Charge to be born as this Court shall order. [*Passed March 30.*]

<sup>1</sup> *Sic.*

## CHAPTER 73.

### ORDER APPOINTING A COMMITTEE ON THE PETITION OF JOHN BEAMAN & OTHERS OF LANCASTER.

A PETITION of John Beaman & others Inhabitants of the South West Part of the North East Quarter of Lancaster old Township, Praying that they & their Estates may be continued to the said Township, notwithstanding the Petition of Jacob Houghton & others for a new Township within such Bounds & Limits as will include the Petitioners & their Estates.

Legislative  
Records of the  
Council, xv.,  
53.

House Jour-  
nal, p. 96.  
*Supra*, chap.  
72.

Read &

*Ordered* that the Committee appointed to view & consider of the Petition of Jacob Houghton & others Inhabitants of the North Easterly Part of the Town of Lancaster be a Committee to repair to the Land herein mentioned, view & consider the situation thereof & Circumstances of the Petitioners (giving seasonable Notice of their coming) & report their Opinion what may be proper for this Court to do in answer thereto at their Session in May next; the Charge to be born as this Court shall order. [*Passed March 30.*]

## CHAPTER 74.

### ORDER OF NOTICE ON SUSANNAH SMITHS MEM<sup>o</sup>.

A MEMORIAL of Susannah Smith Widow of Solomon Smith Dec<sup>d</sup> late a Soldier at Fort Mary Complaining of great Wrong done her by Cpt. James Woodside by withholding from her her said Husbands Wages under Pretence of his being in debt to the said Woodside, Praying for Redress from this Court.

Legislative  
Records of the  
Council, xv.,  
55.

House Jour-  
nal, p. 98.

Read &

*Ordered* that the Petitioner serve the within named James Woodside with a Copy of this Petition that he may answer to the Matter of Complaint within mentioned on the second Thursday of the next May Session. [*Passed April 1.*]

## CHAPTER 75.

### ORDER OF NOTICE ON ELLIJAH EASTABROKES PETITION FOR AN APPEAL FROM A JUDGMENT.

A PETITION of Elijah Estabrooke of Lexington Praying for an Order for his prosecuting an Appeal from a Judgement of an Inferiour Court of Common Pleas for the County of Suffolk in July last, obtained against him by James Mattocks of Boston; his reasons of Appeal not being given in in due time, as the Law requires, thrô the Petitioners Ignorance & Mistake.

Legislative  
Records of the  
Council, xv.,  
55.

House Jour-  
nal, pp. 103, 104.

Read &

*Ordered* that the Petition<sup>r</sup> serve the adverse Party with a Copy of this Petition, that he may shew cause, if any he have, on the first Fryday of the next May Session, why the Prayer thereof sh<sup>d</sup> not be granted; & that Execution be staid in the mean time. [*Passed April 2.*]

## CHAPTER 76.

## ORDER FOR CALLING A TOWN MEETING AT RAYNHAM.

Legislative  
Records of the  
Council, xv.,  
58.

House Jour-  
nal, p. 107.

*Ordered* that Mr Ebenezer Robinson a principal Inhabitant of the Town of Raynham be & hereby is fully authorized & impowered to notify & warn the Freeholders & other Inhabitants of the said Town duly qualified to vote in Town Affairs to assemble & convene in some publick Place in the said Town to elect & chuse all Town Officers to stand until the anniversary Meeting in March next. [*Passed April 2.*]

## CHAPTER 77.

ORDER ON PETITION OF THE INHAB<sup>TS</sup> OF THE NORTH WEST PART OF ROWLEY TO BE SET OFF AS A PRECINCT.

Legislative  
Records of the  
Council, xv.,  
60.

House Jour-  
nal, p. 114.  
*Ante*, p. 486,  
chap. 42.

A PETITION of Samuel Hazen & others, Inhabitants of the North Westerly Part of Rowley, Praying that they may be set off a separate Precinct Agreeable to the Bonds mentioned in their former Petition; or that a Committee may once more be appointed by this Court to view the Place they propose for a Precinct, & consider the Circumstances of the Petitioners as also to view the old Parish in Rowley, & the Parish of Byfield in Newbury, & to report their Opinion in the Premisses to this Court.

Read & Refer'd for Consideration to the first Fryday of the next May Sessions, &

*Ordered* that the Petition<sup>rs</sup> in the mean time serve the old Parish in Rowley & Byfield Parish with a Copy of the Petition that so they may then shew Cause, if any they have, why the Prayer thereof should not be granted. [*Passed April 6.*]

## CHAPTER 78.

ORDER ON PETITION OF DAV. JACOBS & OTHERS OF THE N<sup>O</sup> PARISH IN SCITUATE ABOUT MOVING A MEETING HOUSE.

Legislative  
Records of the  
Council, xv.,  
61.

House Jour-  
nal, p. 113.

A PETITION of David Jacobs & others Inhabitants of Scituate Shewing that the Inhabitants of the Northerly Parish are about to take down their Meeting House (altho it is a very commodious House & in a manner new) & to set it up in a Place very inconvenient for the Generality of the People, that the Vote upon which they proceed was obtained in a very unfair & illegal manner & pass'd against the sense of the most substantial People. Praying that a Committee of this Court may be appointed to view the said Meeting house & Precinct & report their Opinion on the Affair.

Read &

*Ordered* that the Petitioners serve the Northerly Precinct in Scituate with a Copy of the Petition that so they may shew Cause; if any they have on the second Fryday of the next May Session why the Prayer thereof sh<sup>d</sup> not be granted; & that all Proceedings for removing the Meeting house in s<sup>d</sup> Precinct be stop'd in the mean time. [*Passed April 8.*]

## CHAPTER 79.

### ORDER ALLOWING PAYMENT OF CASTLE WM MUSTER ROLL.

A MUSTER ROLL of the Garrison in His Majestys Service at Castle William, under the Command of the Hon<sup>ble</sup> William Tailer Esq<sup>r</sup> Containing an Accompt of Wages due to the said Garrison for their service from the 14<sup>th</sup> of Decem<sup>r</sup> 1730, to the first of April 1731, Amounting to the sum of £320. 18. 1.

Legislative  
Records of the  
Council, xv.,  
62.

House Jour-  
nal, p. 113.

Read &

*Ordered* that the sum of Three hundred & twenty Pounds eighteen shillings & one peny be allowed & paid out of the publick Treasury to the Hon<sup>ble</sup> William Tailer Esq<sup>r</sup> & other Officers & Soldiers born on the said Roll in full of the Wages respectively due to them. [*Passed April 9.*]

## CHAPTER 80.

### ORDER ALLOWING LIEUT. JOHN LARRABEE £3. 18. 5 ON CASTLE WM VICTUALLING ACC<sup>t</sup>, AND FURTHER ADVANCING HIM £250.

AN ACCOMPT presented by Cpt. John Larrabee of the Charge of Victualling the Garrison at His Maj<sup>ty</sup>s Castle William from the 14<sup>th</sup> of Decem<sup>r</sup> 1730, to the first of April 1731, Ball<sup>l</sup> thereof due to the s<sup>d</sup> Larrabee being £3. 18. 5.

Legislative  
Records of the  
Council, xv.,  
62.

House Jour-  
nal, p. 114.

[Read and]

*Ordered* that the sum of Three Pounds eighteen shillings & five pence be allowed & paid out of the publick Treasury to the Accomptant Lieut. John Larrabee due to him to ballance his said Accompt; & that he be discharged of his Bond accordingly; And further to enable the said John Larrabee to victual the said Garrison, that the sum of Two hundred & fifty Pounds be advanced to him out of the publick Treasury, M<sup>r</sup> Treas<sup>r</sup> taking security of him for his accompting for the s<sup>d</sup> sum. [*Passed April 9.*]

## CHAPTER 81.

### ORDER OF NOTICE ON SAM<sup>ll</sup> LAWRENCES PETITION FOR A STAY OF EXECUTION.

A PETITION of Samuel Lawrence of Lexington, Shewing that one Nathaniel Bacon of said Place has recovered Judgem<sup>t</sup> of him at the Superior Court held in the County of Middlesex for the sum of £40. 5 And forasmuch as the said Bacon is a man of no substance, & may probably abscond after he has gotten the s<sup>d</sup> Money into his hands, Therefore Praying that Execution may be staid till the Event of the Action upon the Review.

Legislative  
Records of the  
Council, xv.,  
63.

House Jour-  
nal, p. 116.

Read &

*Ordered* that the Petition<sup>r</sup> serve the adverse Party with a Copy of the Petition, that so he may shew cause, if any he have, on the first Fryday of the next May Session why the Prayer thereof may not be granted, & that Execution be staid in the mean time. [*Passed April 10.*]

## CHAPTER 82.

ORDER ON PETITION OF DIVERS INHABITANTS OF GLOCESTER ABOUT  
MOVING A MEETING HOUSE.

Legislative  
Records of the  
Council, xv.,  
71.

House Jour-  
nal, p. 104.

A PETITION of divers Inhabitants of the Town of Gloucester Shewing that altho the Meeting house in the first Parish was set up in the most proper Place to accomodate the People, the Town not being then divided, but by taking off two Precincts, the Meeting house happens to be in a Corner of the remaining Precinct; & it being now so much decayed that they will be obliged to build a new one, Praying that this Court would send a Committee to view the said Place & determine where the Meeting house may be most commodiously set & how the Precincts may be best divided.

Read &

*Ordered* that this Petition be refer'd to the next May Session, & that the Petition<sup>rs</sup> in the mean time serve the old Parish & the North Parish of the s<sup>d</sup> Town with a Copy of this Petition that they may then shew Cause, if any they have, why the Prayer thereof sh<sup>d</sup> not be granted. [*Passed April 23.*]

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## CHAPTER 83.

## ORDER DISCHARGING JOHN WARREN OF HIS RECOGNIZANCE OF £25.

Legislative  
Records of the  
Council, xv.,  
71.

House Jour-  
nal, p. 130.

A PETITION of John Warren of Boston Miller, Shewing that he with others was bound for the Appearance of one Elisabeth Elliot at the Court of General Sessions of the Peace for the County of Suffolk, to answer to such matters as should be charged upon her, That the said Elisabeth made default of Appearance; & now Execution is served on the Petitioner for the Forfeiture of the said Bond or Recognizance, & he being utterly unable to pay the said sum which is Twenty five Pounds, Praying for an Order of this Court that the same may be remitted & discharged

Read &

*Ordered* that the Prayer of the Petition be so far granted as that upon his paying Fees & Costs he be discharged of the Recognizance within mentioned. [*Passed April 23.*]

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## CHAPTER 84.

## ORDER ALLOWING 4/ PER DIEM TO THE SPEAKER.

Legislative  
Records of the  
Council, xv.,  
72.

House Jour-  
nal, pp. 129, 130.

*Ordered* that (upon Certificate from the Clerk of the House) there be allowed & paid out of the publick Treasury to the Hon<sup>ble</sup> John Quincy Esq<sup>r</sup> the sum four shillings per Diem for each days Attendance in the General Assembly from the 16<sup>th</sup> Day of Decem<sup>r</sup> last in Consideration of his constant Application to dispatch the publick Affairs of the Province. [*Passed April 23.*]



## CHAPTER 85.

### ORDER ALLOWING £40 TO THE CLERK OF THE HOUSE.

*Ordered* that the sum of Forty Pounds be allowed & paid out of the publick Treasury to Francis Foxcroft Esq<sup>r</sup> Clerk of the House for his service this Session & for his Trouble in preparing the Votes for the Press & Certificates of the service of the Members of the House. [*Passed April 23.*]

Legislative  
Records of the  
Council, xv.,  
72.  
House Jour-  
nal, p. 130.

## CHAPTER 86.

### ORDER ALLOWING £15 TO M<sup>r</sup> RICH<sup>d</sup> HUBBARD DOORKEEPER.

*Ordered* that the Sum of Fifteen Pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Richard Hubbard Door Keeper to this Court for his extraordinary service this Session. [*Passed April 23.*]

Legislative  
Records of the  
Council, xv.,  
72.  
House Jour-  
nal, p. 130.

## CHAPTER 87.

### ORDER ALLOWING £20 TO THE REV<sup>d</sup> M<sup>r</sup> CHECKLEY.

*Ordered* that the sum of Twenty Pounds be allowed & paid out of the publick Treasury to the Rev<sup>d</sup> M<sup>r</sup> Samuel Checkley for his officiating as Chaplain to this Court from the 16<sup>th</sup> of Decem<sup>r</sup> last. [*Passed April 24.*]

Legislative  
Records of the  
Council, xv.,  
72, 74.  
House Jour-  
nal, p. 130.

## CHAPTER 88.

### ORDER FOR ESTABLISHING THE PAY OF THE GARRISON AT CASTLE WILLIAM.

*Order'd* That the Commission and Warrant Officers Chaplain and Souldiers in His Majestys Service and pay of this Government at Castle William be Allowed and paid out of the Publick Treasury for their respective Services in manner following Viz<sup>t</sup> The Captain One hundred and Sixty Six pounds The Lieutenant One hundred pounds, per annum The Chaplain Eighty Six pounds per Annum The Gunner Sixty pounds per annum, Six quarter Gunners Fifty three Shillings & four pence *p* Month Each one Sergeant fifty three Shillings and four pence *p* month Three Corporals and a drummer Forty Eight Shillings *p* month each And Thirty Centinels forty Shillings *p* month Each Provided that on the Enlistment of the said Quart<sup>s</sup> Gunners Sergeant and Corporals and Private Centinels they be Able bodied good Effective men; Provided that they attend the Service & do perform the Duty of their respective Posts

And that no Indian Negro or Molatto. Except one Servant of the Captains be Enlisted or retained in the Service of the Castle And no other man unless he be Sui Juris be Enlisted as aforesaid.<sup>1</sup> [*Passed April 24.*]

Legislative  
Records of the  
Council, xv.,  
73. Mass.  
Archives,  
lxxii., 400.  
House Jour-  
nal, pp. 131, 132.  
*Ante*, p. 88,  
chap. 233.

<sup>1</sup> The signature of the Governor does not appear in Mass. Archives, but it is recorded in Legislative Records of the Council, xv., 73.

## CHAPTER 89.

ORDER IMPOWERING JAMES HOVEY TO LAY OUT 200 ACRES OF LAND.

Legislative  
Records of the  
Council, xv.,  
64, 73.

House Jour-  
nal, p. 119.

A PETITION of James Hovey of Malden Praying for a Grant of some of the unappropriated Land within this Province in consideration of his being taken by the Indian Enemy while he was in the service of this Governm<sup>t</sup> & suffering great hardships & Losses during his Captivity among them.

Read &

*Ordered* that the Petition<sup>r</sup> be & hereby is impowered by a Survey<sup>r</sup> & Chain men on Oath to lay out Two hundred Acres of the unappropriated Lands within this Province and return a Plat thereof to this Court within twelve months for Confirmation. [*Passed April 24.*]

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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1731-32.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1731-32.

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HIS EXCELLENCY JONATHAN BELCHER,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

JOSIAH WILLARD, Esq.,  
SECRETARY OF THE PROVINCE.

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## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

BENJAMIN LYNDE  
THOMAS HUTCHINSON  
JONATHAN DOWSE  
PAUL DUDLEY  
SAMUEL THAXTER  
JOHN TURNER  
DANIEL OLIVER  
SYMONDS EPES  
THOMAS PALMER

} ESQRS.

JOHN CHANDLER  
WILLIAM DUDLEY  
JONATHAN REMINGTON  
WILLIAM CLARK  
JOHN ALFORD  
EBENEZER STONE  
JOSEPH WADSWORTH  
THOMAS CUSHING  
JOHN OSBORNE

} ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;*

ISAAC WINSLOW  
MELETIAH BOURN

} ESQRS.

PETER THATCHER  
SETH WILLIAMS

} ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Maya;*

JOHN WHEELWRIGHT, WILLIAM PEPPERIL & TIMOTHY GERRISH, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

SPENCER Phipps, Esq.

<sup>1</sup> See Legislative Records of the Council, xv., 75-78.

*For the Province, at large:—*

EBENEZER BURRILL & EZEKIEL LEWIS, ESQRS.

## REPRESENTATIVES OR DEPUTIES.

*May 26, 1731 to March 31, 1732.*

MR. JOHN QUINCY, SPEAKER.

### COUNTY OF SUFFOLK.

*Boston*, . . . Elisha Cook, Esq.,  
                   Mr. Ezekiel Lewis,  
                   Mr. Thomas Cushing,  
                   Mr. Samuel Welles.  
*Roxbury*, . . . John Bowles, Esq.  
*Dorchester*, . . . Mr. Benjamin Bird.  
*Milton*, . . . Mr. Ephraim Tucker.  
*Braintree*, . . . John Quiney, Esq.  
*Weymouth*, . . . Mr. Thomas White.  
*Hingham*, . . . Mr. John Jacob.  
*Dedham*, . . . Mr. Joseph Ellis.  
*Medfield*, . . . Mr. Joseph Plimpton.  
*Mendon*, . . . Mr. Thomas Thayer.  
*Wrentham*,<sup>1</sup> . . . Capt. Robert Blake.  
*Brooklyn*, . . . Mr. Benjamin White.  
*Woodstock*, . . . Major John Chandler.  
*Nedham*, . . . Mr. Josiah Kingsberry.  
*Sutton*, . . . Mr. Samuel Dudley.  
*Stoughton*, . . . Mr. Moses Gill.

### COUNTY OF MIDDLESEX.

*Cambridge*, . . . William Brattle, Esq.  
*Charlestown*, . . . Mr. Stephen Hall,  
                   Mr. Joseph Lemmon.  
*Watertown*, . . . Mr. Samuel Stearns.  
*Concord*, . . . Mr. Samuel Chandler.  
*Newton*, . . . Mr. Richard Ward.  
*Sudbury*, . . . Mr. John Rice.  
*Marlboro'*, . . . Mr. John Sherman.  
*Lancaster*, . . . Mr. James Wilder.  
*Groton*, . . . Mr. John Langley.  
*Framingham*, . . . Mr. Edward Goddard.  
*Billerica*, . . . Mr. Benjamin Thomson.  
*Woburn*, . . . Capt. John Fowle.  
*Reading*, . . . Mr. Thomas Bancroft.  
*Malden*, . . . Mr. Jacob Wilson.  
*Lexington*, . . . Capt. Joseph Bowman.  
*Weston*, . . . Francis Fulham, Esq.  
*Worcester*, . . . Mr. Benjamin Flagg.

### COUNTY OF ESSEX.

*Salem*, . . . Daniel Epes, Esq.,  
                   Benjamin Lynde, Jr., Esq.  
*Ipswich*, . . . Mr. Jonathan Fellows,  
                   Mr. John Choat, Junior.  
*Newbury*, . . . Joseph Gerrish, Esq.  
*Lynn*, . . . Capt. Ebenezer Burrill.  
*Marblehead*, . . . Mr. Jeremiah Gatchel.  
*Haverhill*, . . . Mr. Nathan Webster.  
*Rowley*, . . . Mr. John Hobson.  
*Salisbury*, . . . Mr. Isaac Morrell.  
*Glocester*, . . . Mr. Samuel Stevens.  
*Andover*, . . . Mr. Joseph Parker.  
*Topsfield*, . . . Capt. Joseph Gould.  
*Beverly*, . . . Mr. Henry Herrick.  
*Wenham*, . . . Mr. William Rogers.  
*Boxford*, . . . Mr. Joseph Hale.  
*Bradford*, . . . Mr. Jonathan Woodman.  
*Amesbury*, . . . Capt. John Foot.

### COUNTY OF HAMPSHIRE.

*Springfield*, . . . William Pyncheon, Esq.  
*Northampton*, . . . John Stoddard, Esq.  
*Hatfield*, . . . Henry Dwight, Esq.  
*Hadley*,<sup>2</sup> . . . Mr. John Nash.  
*Westfield*, . . . Mr. John Shepherd.  
*Suffield*, . . . Mr. John Kent.  
*Enfield*, . . . Mr. Zechariah Booth.  
*Brookfield*, . . . Mr. Joseph Dwight.  
*Brimfield*, . . . Mr. Robert Moulton.

### COUNTY OF PLYMOUTH.

*Plymouth*, . . . Mr. John Foster.  
*Scituate*, . . . Mr. James Cushing.  
*Marshfield*, . . . John Little, Esq.  
*Duxbury*, . . . Capt. John Alden.  
*Bridgewater*, . . . Capt. Isaac Johnson.  
*Middleboro'*, . . . Mr. Samuel Barrow.  
*Rochester*, . . . Mr. John Freeman.

<sup>1</sup> "Medfield" by mistake, in Legislative Records of the Council, xv., 75.

<sup>2</sup> "Hatfield" by mistake, in the Secretary's copy, Legislative Records of the Council, xv., 76.

COUNTY OF PLYMOUTH — *Concluded.*

*Plympton*, . . . Mr. Samuel Bradford.  
*Pembroke*, . . . Mr. Elisha Bysby.

COUNTY OF BARNSTABLE.

*Barnstable*, . . . Shubal Gorham, Esq.  
*Yarmouth*, . . . Shubal Baxter, Esq.  
*Sandwich*, . . . Ezra Bourn, Esq.  
*Eastham*, . . . Capt. John Knowles.  
*Harwich*, . . . Mr. Thomas Clark.

COUNTY OF BRISTOL.

*Bristol*, . . . Charles Church, Esq.  
*Taunton*, . . . Mr. Samuel Williams.  
*Swanzy*, . . . Mr. Joseph Mason.  
*Rehoboth*, . . . Mr. Jathniel Peck.

COUNTY OF BRISTOL — *Concluded.*

*Little Compton*, Thomas Church, Esq.  
*Dighton*, . . . Mr. Edward Shove.  
*Tiverton*, . . . Job Almy, Esq.  
*Dartmouth*, . . . Mr. Nathaniel Delanoe.  
*Attleboro*, . . . John Foster, Esq.  
*Norton*, . . . Mr. Samuel Brentnal.

COUNTY OF YORK.

*York*, . . . Mr. Richard Milberry.  
*Kittery*, . . . Mr. Tobias Leighton.  
*Wells*, . . . Joseph Hill, Esq.  
*Berwick*, . . . Samuel Plaisted, Esq.

IN THE COUNTY OF NANTUCKET.

*Sherburn*, . . . George Bunker, Esq.





# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE TWENTY-SIXTH DAY OF MAY, A.D. 1731.

## CHAPTER 1.

ORDER CONFIRMING A PLAT OF 300 ACRES OF LAND TO ANDR.  
ROBINSON.

A PLAT of three hundred Acres of Land laid out by Cpt. Samuel Wright Survey<sup>r</sup> & two Chain men on Oath to fulfill a Grant made by this Court at their Sessions held Febry. 10. 1730 to Cpt. Andrew Robinson: Which Land lies Easterly of a Branch of Swift River, North-erly of a Hill called Fountain Hill near Moose Swamp, Bounded every way by Province Land; Beginning at a Heap of Stones in said Swamp; Running South 25 Degrees West 320 rods to a Heap of stones; then running West 25 Degrees North 150 rods to a Heap of Stones for a Corner; then running North 25 Degrees East 320 rods to a Heap of stones for a Corner, then running East 25 Deg. South 150 rods to the Heap of Stones where it first began.

Legislative  
Records of the  
Council, xv.,  
79.

House Jour-  
nal, p. 10.  
*Ante*, p. 561,  
chap. 51.

Read &

*Ordered* that the Land within delineated & described be & hereby is confirmed to the above named Andrew Robinson & his Assigns for ever, Provided the same do not exceed the Quantity of Three hundred Acres nor interfere with any other or former Grant. [*Passed May 28.*]

## CHAPTER 2.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF THE NORTH  
WEST INHAB<sup>TS</sup> OF ROWLEY.

ON THE PETITION of the Westerly & North Westerly Inhabitants of the Town of Rowley [*ante*, p. 570, chap. 77]

Legislative  
Records of the  
Council, xv.,  
80.

In Council; Read together with the Answers of the first Parish in Rowley & the Parish of Byfield; And the same being fully considered;

House Jour-  
nal, p. 10.  
*Ante*, p. 570,  
chap. 77.

*Ordered* that the Prayer of the Petition be so far granted as that Symonds Epes Esq<sup>r</sup> with such as shall be joined by the Hon<sup>ble</sup> House of Repres<sup>tes</sup> be a Committee at the Petitioners Charge<sup>1</sup> to view & consider as well the Situation & Circumstances of the Petitioners as of the old Parish in Rowley & the Parish of Byfield & make report to this Court at their next Session what may be proper to be done on this Petition.

In the House of Represent<sup>tes</sup> Read & Concur'd; &

*Ordered* that Major Bowles & M<sup>r</sup> Lemon be joined in the Affair. [*Passed May 28.*]

<sup>1</sup> In the House Journal, p. 10, the words "at the Petitioner's Charge" are inclosed in marks of parenthesis.

## CHAPTER 3.

ORDER OF NOTICE ON THE PETITION OF DIVERS PERSONS LIVING  
NEAR OXFORD TO BE ERECTED INTO A PRECINCT.

Legislative  
Records of the  
Council, xv.,  
80.

House Jour-  
nal, p. 9.

A PETITION of Joseph Putney & others Inhabitants & Propriet<sup>rs</sup> of Lands lying between the Colony Line & Oxford, Shewing that many of them belong to no Town in the Province, & all of them live very remote from any Place of publick Worship, And therefore Praying that their Lands may be erected into a Township to be bounded as follows, viz, the Colony or Patent Line & Town of Woodstock on the South, the new Town granted to Medfield on the West, the Line parting M<sup>r</sup> Papillons Land & the Land of the late Govern<sup>r</sup> Dudley on the North, the Farm belonging to Paul Dudley Esq<sup>r</sup> partly on the East, & partly a Line running from Oxford South Bounds to the Brook coming out of the great Pond of Chaubunagungamug & to the said Pond, & so to the Colony or Patent Line first mentioned.

Read &

*Ordered* that the Petitioners serve the Town of Oxford with a Copy of the Petition, that so they may shew cause, if any they have on the first Fryday of the next Session of this Court why the Prayer thereof should not be granted. [*Passed May 28.*]

## CHAPTER 4.

VOTE REFERRING TO THE COMM<sup>TEE</sup> ON NORTH TOWN AFFAIR.

Legislative  
Records of the  
Council, xv.,  
81.

House Jour-  
nal, p. 11.  
*Ante*, p. 556,  
chap. 42.

*Voted* that the Committee appointed to repair to North Town (who were to have made report at this Session) have leave to bring in their Report at the next Fall Session. [*Passed May 29.*]

## CHAPTER 5.

ORDER OF NOTICE ON PETER NOWELS PETITION, FOR LEAVE TO PROS-  
ECUTE AN APPEAL FROM A JUDGMENT, WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council, xv.,  
81.

Legislative  
Records of the  
Council, xiv.,  
451; xv., 12, 35.  
House Jour-  
nal, pp. 12, 13.

A PETITION of Peter Nowel of York, Shewing that as Agent for the said Town he commenced his Action of Trespass at the Inferior Court of Common Pleas for the County of York against Francis Littlefield & Moses Downer of Wells for cutting Trees on the common Lands in York & Judgement went against the Petition<sup>r</sup> for want of some Papers which he forgot to deliver to the Jury, as he supposes; from which Judgem<sup>t</sup> he appealed to the Superior Court held in said County in May 1730, where Judgem<sup>t</sup> went against him again, that the Petition<sup>r</sup> has applied to this Court for a new Trial, because the Judgement of the said Court was obtained by his Attorneys neglecting to file his reasons of Appeal, but he had not the Relief which he prayed for; And therefore Praying that this Court would now take his Case into consideration, & grant him liberty to prosecute his Appeal at the next Superior Court of Judicature for the County of York.

Read &

*Ordered* that the Petitioner serve the adverse Party or their Attorney

with a Copy of this Petition that so they may shew cause, if any they have, on the first Tuesday of the next Session why the Prayer thereof may not be granted, & that Execution be staid in the mean time. [*Passed May 31.*]

## CHAPTER 6.

### ORDER ON PETITION OF THE WESTERLY INHAB<sup>TS</sup> OF NEWBURY WEST PRECINCT TO BE ERECTED INTO TWO PRECINCTS.

A PETITION of Benjamin<sup>1</sup> Hills & a considerable Number of others Inhabitants of the Westerly Part of Newbury West Parish Shewing that the said Parish is very large & capable of being divided & that the Inhabitants there have consented to a Division & the Minister has approved thereof, but that the Part assigned to the Petitioners is too small, & the Line very crooked & inconvenient, And therefore Praying that they the Petitioners with their Estates & Families may be erected into a distinct Precinct by an other Line, so as to have near half the Land contained in the s<sup>d</sup> West Parish allowed as their Part.

Legislative  
Records of the  
Council, xv.,  
82.

House Jour-  
nal, p. 12 (Feb.,  
1730); pp. 14, 15.

Read together with the Report of Nathan<sup>1</sup> Coffin, Joseph Gerrish & Henry Rolfe Esq<sup>rs</sup> (mutually chosen by the West Precinct or Parish within mentioned to view the same & set off a suitable Parish to the new Meeting house & make a dividing Line as they in their Judgement should think best) as also a Vote of the said Precinct signifying their Desire that this Court would confirm & establish the Division made by the said Gentlemen, And the Matter being fully considered;

*Ordered* that the Prayer of the Petition be so far granted as that the said Precinct be divided into two distinct and separate Precincts, according to the Bounds set forth in the before mentioned Report; viz, Beginning at the Southerly End of the Way that runs on the North Easterly side of Deacon Thomas Chases Homestead where he now liveth & running up the said Way until it comes to Abel Merrills Land where he now dwelleth, & thence to run on the Southerly Side of said Merrills Land until it comes to the next way which lies on the North Easterly Side of said Merrills Land, & thence to run on the said Way until it comes to the South Way so called, & then to run up said South way until it meets w<sup>th</sup> the Land of M<sup>r</sup> John Carr or M<sup>r</sup> Thomas Noyes, & then to run a cross to Bradford Road, so as to take in all the Land of the Homestead of the said M<sup>r</sup> John Carr, & M<sup>r</sup> Thomas Noyes's Land on the Westerly Side of said Line; & from thence to run down the Lane called Bayleys Lane to Merrimack River, which Line is to the Westward of M<sup>r</sup> Joshua Baileys Dwelling House; And that the Inhabitants of each Precinct be vested with like Powers, Priviledges & Immunities which other Precincts within this Province have or by Law ought to have. [*Passed June 1.*]

## CHAPTER 7.

### ORDER ON PETITION OF DIVERS INHAB<sup>TS</sup> OF Y<sup>E</sup> SOUTH PART OF PLYMPTON TO BE DIVIDED INTO TWO PRECINCTS.

A PETITION of John Carver & sundry others, Inhabitants of the Southerly Part of the Town of Plympton, Shewing that the said Town is of great length (thô narrow) & so filled with Inhabitants as to allow of

Legislative  
Records of the  
Council, xv.,  
84.

<sup>1</sup> The House Journal, p. 14, reads, "*Samuel.*"

House Journal, pp. 17, 18.

two Meeting houses & Ministers, & that the Petition<sup>rs</sup> have been put to great difficulties & expences in attending on the publick Worship of God by reason of the remoteness of the Meeting house, And therefore Praying that the Town may be divided into two Precincts by the bounds either of the two Constablewicks or of the two Military Companies in the s<sup>d</sup> Town, & that the Ministers be maintained by a general Tax of the whole Town.

Read &

*Ordered* that the Petition<sup>rs</sup> serve the Town of Plympton with a Copy of this Petition, that they may shew Cause, if any they have on the second Wednesday of the next Session of this Court why the Prayer thereof may not be granted. [*Passed June 2.*]

## CHAPTER 8.

ORDER REFERRING TO THE LINE ON THE PROVINCE OF NEW HAMPSHIRE.

Legislative Records of the Council, xv., 85. Mass. Archives, v., 7.

House Journal, pp. 16, 17, 20. *Ante*, p. 517, chap. 134.

In Council,

*Ordered*, That Edmund Quincy and William Dudley Esq<sup>rs</sup> with such as shall be joyned by the honourable House be a Committee for and in behalf of this Court to meet a Committee of the Government of New-hampshire at Newbury on the twenty second instant if this Courts sitting do not prevent them; and if so the Committee to give seasonable Notice to the Gentlemen of New-Hampshire when they will meet them)<sup>1</sup> in order to agree upon a Draught of a Bill to empower Commissioners to settle the boundary line between the two Provinces; and that Paul Dudley and Samuel Thaxter Esq<sup>rs</sup> with such as shall be joyned by the honourable House be a Committee to prepare a Draught of Instructions for the Direction [of the]<sup>2</sup> Committee beforementioned in the affair.

In the House of Representatives Read and Concurred, and

*Ordered*, That Elisha Cook, Benjamin Lynde Jun<sup>r</sup> Esq<sup>rs</sup>, and M<sup>r</sup> Samuel Welles be joyned with the Gentlemen of the Board before named appointed for the Draught of a Bill, and John Stoddard Esq<sup>r</sup>, M<sup>r</sup> Thomas Cushing, and M<sup>r</sup> Elisha Bysby for the Draught of Instructions. [*Passed June 3.*]

## CHAPTER 9.

VOTE REFERRING TO THE BORDERERS ON RHOAD ISLAND LINE.

Legislative Records of the Council, xv., 85.

House Journal, p. 19. *Ante*, p. 532, chap. 179; p. 568, chap. 71.

*Voted* that the Gentlemen appointed the first of January last to compromise & settle the Boundary Line between that Part of the Province that was formerly the Colony of New Plymouth & the Colony of Rhoad Island be a Committee to consider what may be proper to be done by this Court with respect to the Inhabitants of this Province that border on said Boundary, & report as soon as may be. [*Passed June 3.*]

<sup>1</sup> *Sic*, as to mark of parenthesis.

<sup>2</sup> MS. mutilated. Words inserted from the State Library copy, Legislative Records of the Council, xv., 85.

## CHAPTER 10.

ORDER ON NEHEM<sup>a</sup> RANDALS PETITION FOR LEAVE TO FILE A COMPLAINT.

ON THE PETITION of Nehem<sup>a</sup> Randal, [*ante*, p. 546, chap. 16]

Read together with the Answer of Samuel Sprague; And the same being fully considered;

*Ordered* that the Prayer of the Petition be so far granted as that the Petition<sup>r</sup> be enabled to file his Complaint at the next Superior Court of Judicature to be holden for the County of Plymouth in order to obtain an Affirmation of the Judgem<sup>t</sup> of the Inferior Court of Common Pleas for the said County of Plymouth before refer'd to, The said Samuel Sprague to have Liberty to prove such Payments as have been already made towards discharging his Mortgage; And the Justices of the said Superior Court are accordingly impowered & directed to proceed herein & to allow of such Payments as may be proved as aforesaid in chancering the said Mortgage to the just Debt & Damage, the Petition<sup>r</sup> to serve the said Samuel Sprague with a Copy of this Order at least fourteen days before the Sitting of the said Court; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed June 9.*]

Legislative  
Records of the  
Council, xv.,  
89.

House Jour-  
nal, p. 28.  
*Ante*, p. 546,  
chap. 16.

## CHAPTER 11.

ORDER ON PETITION OF CPT. BENJ<sup>a</sup> LARRABEE REFERRING TO MUSTER ROLL.

A PETITION of Cpt. Benjamin Larrabee Commander of His Majestys Fort George at Brunswick Setting forth his Difficulties in enlisting able bodied effective Soldiers for the Garrison there, by reason of the Lowness of the Pay, And therefore Praying that the same Pay may be allow'd for the Soldiers in that Garrison as is allowed for Castle William, Richmond Fort &c, and that he may have leave to make up his Muster Roll accordingly

Read &

*Ordered* that the Prayer of the Petition be so far granted, as that the Petitioner be & hereby is allowed to make up his present Muster Roll as heretofore to the second of April last, & from thence after the rate of Forty shillings per Month to each Soldier. [*Passed June 10.*]

Legislative  
Records of the  
Council, xv.,  
92.

House Jour-  
nal, pp. 28, 30.

## CHAPTER 12.

## ORDER ON SARAH RICES PETITION TO BE IMPOWERED TO MAKE A DEED.

A PETITION of Sarah Rice Widow & Administ<sup>r</sup> of Josiah Rice late of Worcester in the County of Middlesex Dec<sup>d</sup> Shewing that her said Husband had a Grant of a Home Lot in said Town of thirty Acres; & his Father Ephraim Rice had an other Lot of the same Quantity,

Legislative  
Records of the  
Council, xv.,  
93.

House Jour-  
nal, pp. 34, 35.

that her Husband had made a verbal Agree<sup>t</sup> with his Father to exchange Lots, & thereupon built upon & improved his Fathers Lot so as to make it very valuable; And therefore Praying that she may be impowered to execute a Deed for Exchange of the said Lots with her Father Ephraim Rice aforesaid.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petition<sup>r</sup> be & hereby is fully authorized & impowered to make & execute in due form of Law, a Deed of Conveyance of the Thirty Acre Home Lot whereof the Intestate died seized unto the within named Ephraim Rice, Provided he give a Deed in like manner of his Thirty Acre Home Lot to the Children of the said Deceased, their Heirs & Assigns; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed June 11.*]

## CHAPTER 13.

### VOTE FOR KEEPING HIS MAJESTIES ACCESSION DAY.

Legislative  
Records of the  
Council, xv.,  
93.

House Jour-  
nal, p. 36.

IT BEING the happy Anniversary of His Majestys Accession to the Throne of Great Britain, & the Great & General Court or Assembly of this Province being now convened;

*Voted* that it is the unanimous Desire of this House that the Court express their Duty & Loyalty to His Majesty & the Royal Family on this joyful occasion, & therefore propose the Court house as a proper Place for that purpose at three a Clock this After Noon. [*Passed June 11.*]

## CHAPTER 14.

### ORDER ON BENJA & AARON THAYERS PETITION TO MAKE A SALE OF LAND, BY THEIR GUARDIAN, FOR THE PAYMENT OF DEBTS.

Legislative  
Records of the  
Council, xv.,  
94.

House Jour-  
nal, p. 36.

A PETITION of Benjamin Thayer & Aaron Thayer by William Hayward their Guardian, Shewing that their Father Benjamin Thayer Dec<sup>d</sup> conveyed by Deed all his real Estate to his said two sons in his Life Time upon Condition of their paying his just Debts, & maintaining one of their Sisters; that the personal Estate falling to the Petitioners is inconsiderable, & forasmuch as the Judges of the Superior Court are authorized by Law to grant Licences only to Executors & Administ<sup>rs</sup> to sell real Estates for paying Debts & Legacies which will not reach the Petitioners Case, Therefore Praying for a Licence from this Court to the said Guardian to sell so much of the Lands of the said Deceased as shall be sufficient to discharge the said Debts &c.

Read &

*Ordered* that the Prayer of the Petition be granted, And the within named William Hayward as Guardian to Benjamin Thayer & Aaron Thayer Infants is accordingly impowered to sell such of the Outlands conveyed to the said Infants by their Father Benjamin Thayer Dec<sup>d</sup> as may be sold with least Prejudice to the Estate not exceeding the Value of Two hundred Pounds; the Produce thereof to be applied for the payment of the Deceaseds Debts & the support of his Daughter

Ann in manner as is provided by the Deed of the Deceased, & the remainder, if any there be is to be improved for the Benefit of the said Infants; The Guardian to Accompt for the same to the Judge of Probate for the County of Suffolk. [*Passed June 11.*]

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## CHAPTER 15.

ORDER ON PETITION OF PATIENCE REDWOOD & JOSEPH WHIPPLE IM-  
POWERING THEM AS ADMINISTRATORS TO EXECUTE A RELEASE OF  
A DEBT.

A PETITION of Patience Redwood & Joseph Whipple Administ<sup>rs</sup> of the Estate of Abraham Redwood late of Salem in the County of Essex Dec<sup>d</sup> Shewing that Joseph Boyce & John Boyce of Salem aforesaid being in Debt to the said Abraham Redwood in the sum of £2,340 (besides giving their Bond) as a collateral Security mortgaged a real Estate in Salem, which (as it now appears) was the Estate of their Father & descended to their Brothers & Sisters as well as themselves; & forasmuch as the said Boyces have but about £300 Personal Estate & the said real Estate will fall much short of satisfying said Debt, & the said Boyces are willing to pay what Money they have to the Petitioners, & all that are interested in the said real Estate are willing to make over the same to the Petition<sup>rs</sup> upon a full discharge & release of the s<sup>d</sup> Debt; which the Petition<sup>rs</sup> are not able to give without the Authority of this Court, Therefore Praying that they may be empowered to give such release upon the s<sup>d</sup> Boyces performing of the Conditions above mentioned.

Legislative  
Records of the  
Council, xv.,  
97.

House Jour-  
nal, pp. 26, 30,  
31.

Read &

*Ordered* that the Prayer of this Petition be granted, & that the Petition<sup>rs</sup> in their Capacity within mentioned be & hereby are fully authorized & empowered, upon the Terms within mentioned, to make in due form of Law releases of the Debt within mentioned, unto the within named Joseph & John Boyce; the said Administ<sup>rs</sup> giving Bond with sufficient Sureties to the Judge of Probate for the County of Essex to accompt upon Oath for such Estate as shall come to their hands; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed June 15.*]

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## CHAPTER 16.

ORDER ALLOWING THE TREAS<sup>r</sup> OF BRISTOL CO. HIS ACC<sup>t</sup>.

AN ACCOMPT presented by Samuel Howland Treasurer of the County of Bristol for the year 1730, Having been laid before the Court of General Sessions of the Peace for said County & by them allowed.

Legislative  
Records of the  
Council, xv.,  
97.

Read &

*Ordered* that this Accompt be allowed. [*Passed June 16.*]

House Jour-  
nal, pp. 11, 42.

## CHAPTER 17.

ORDER ALLOWING THE CO. TREAS<sup>R</sup> OF BARNSTABLE HIS ACC<sup>T</sup>.

Legislative  
Records of the  
Council, xv.,  
98.

House Jour-  
nal, p. 42.

AN ACCOMPT presented by Ebenezer Lewis Treasurer of the County of Barnstable for the Year 1730, having been laid before the Court of General Sessions of the Peace for said County & by them Allowed;

Read &

*Ordered* that this Accompt be Allowed. [*Passed June 16.*]

## CHAPTER 18.

ORDER ON PETITION OF THE NORTH WEST PRECINCT IN WOBURN  
RELATIVE TO LOCATION OF A MEETING HOUSE.

Legislative  
Records of the  
Council, xv.,  
98.

House Jour-  
nal, p. 42.  
*Ante*, p. 488,  
chap. 48.

A PETITION of a Committee of the North West Precinct in Woburn Shewing that the Inhabitants there are much divided among them selves about the Place for erecting their Meeting House, & that for composing their said Differences they have voted in a Precinct Meeting to refer the Matter to the Determination of this Court, And therefore Praying that a Committee of both Houses may be appointed to view the said Precinct, hear the Parties, & report to the Court what Place they judge most proper whereon to set the said Meeting House.

In the House of Represent<sup>ves</sup> Read &

*Ordered* that the Prayer of the said Petition be granted, & that Daniel Epes Esq<sup>r</sup> & M<sup>r</sup> James Wilder with such as shall be joined by the Hon<sup>ble</sup> Board be a Committee to repair to the Precinct within mentioned, view the same, hear all Parties concerned, & report to this Court at the next Session where it may be most proper to place their Meeting house; The Charge of the Committee to be born by the Petition<sup>rs</sup> & the Committee seasonably to notify the Precinct of their Coming: In Council; Read & Concur'd, & Spencer Phips Esq<sup>r</sup> is joined in the Affair. [*Passed June 16.*]

## CHAPTER 19.

ORDER ON PETITION OF THE ARTILLERY COMP<sup>A</sup> IN BOSTON FOR LEAVE  
TO SELL LANDS.

Legislative  
Records of the  
Council, xv.,  
99.

House Jour-  
nal, pp. 39, 40.  
Province  
Laws, ix., 542,  
chap. 20.

A PETITION of Edward Hutchinson Esq<sup>r</sup> & others a Committee of the Artillery Company in Boston, Shewing that the General Assembly of this Province have made them divers Grants of Land for their Encouragem<sup>t</sup> & that the Income thereof may support the Charges of the said Company; Which Lands being wild & uncultivated, & at a great distance from them have been no ways profitable, nor are like to be for many years to come, And therefore Praying for Liberty from this Court to sell the said Lands & to invest the Money produced by such sale in other Lands that may bring in some Profit, or else that the Money may be put out to Interest & the yearly Income laid out for the uses intended by the General Court in granting the said Lands.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Artillery Company within mentioned be & hereby are fully authorized & im-



powered in due form of Law to make & execute a good Deed or Deeds of Conveyance of the two Tracts of Land within mentioned; the Produce thereof to be vested in such other real Estate as may be most for their Advantage; the Income thereof to be applied to & for providing necessities for their Military Exercise & defraying other Charges that may arise by occasion thereof. [*Passed June 16.*]

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## CHAPTER 20.

### ORDER OF NOTICE ON BERWICK PETITION REFERRING TO DIVISIONAL LINE.

A PETITION of the Proprietors of the Town of Berwick, Setting forth that when they were set off from the Town of Kittery & made a distinct Township, It was ordered that the common Lands sh<sup>d</sup> be divided between them in proportion to their Estate, that a Meeting was appointed in the Year 1711, for the Valuation of their Estates by which such Division sh<sup>d</sup> be made, but it being a Time of War & great Danger, the People of that Part now called Berwick could not attend said Meeting without exposing themselves & their families, which the others took the Advantage of & very much underrated them, by which means the Petitioners have not their proper share of the said common Lands, Praying that a Committee of this Court may be appointed to inquire into this Grievance, & that this Court grant them such relief as they shall think fit.

Read &

*Ordered* that the Petitioners serve the Town of Kittery with a Copy of the Petition that so they may shew Cause, if any they have on the second Wednesday of the next Session, why the Prayer thereof should not be granted. [*Passed June 16.*]

Legislative  
Records of the  
Council, xv.,  
99.

House Jour-  
nal, pp. 39, 41.  
Province  
Laws, ix., 293,  
chap. 32.

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## CHAPTER 21.

### ORDER ALLOWING THE ACCT<sup>t</sup> OF THE COUNTY TREAS<sup>r</sup> OF YORK.

AN ACCOMPT presented by Joseph Moodey Treasurer of the County of York for the Year 1730, having been laid before the Court of General Sessions of the Peace for said County & by them allowed.

Read &

*Ordered* that this Accompt be allowed. [*Passed June 17.*]

Legislative  
Records of the  
Council, xv.,  
100.

House Jour-  
nal, pp. 11, 45.

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## CHAPTER 22.

### ORDER ACCEPTING COMMITTEES REPORT ON THE AFFAIR OF SCITUATE MEETING HOUSE AND ALLOWING £15. 3. 2 FOR EXPENSES.

THE COMMITTEE appointed on the Petition of some of the Inhabitants of the Northerly Precinct in Scituate against removing the Meeting house in said Precinct, having been there & viewed the same in the several Parts thereof do humbly offer as their Report, That in as much as there is but very small Repairs necessary to be made to the said House the great Charge & many Law Suits that will probably arise

Legislative  
Records of the  
Council, xv.,  
100.

Legislative  
Records of the  
Council, xv.,  
88. House

Journal,  
pp. 24, 27, 47  
*Ante*, p. 570,  
chap. 78.

therein, That therefore the said House sh<sup>d</sup> not be removed from the Place where it now stands for the space of seven years next coming at the least, without leave first had from this Court, & that in the mean time the necessary repairs of the s<sup>d</sup> House be effected at the Charge of the Precinct.

JN<sup>o</sup> CHANDLER JUN<sup>R</sup>  
W<sup>M</sup> BRATTLE.

SPENCER PHIPS  
W<sup>M</sup> DUDLEY  
JOHN BOWLES

Dated the 17<sup>th</sup> of June 1731.

Read &

*Ordered* that this Report be accepted, & that the Account of the Committees Time & Expence (hereunto annexed) Amounting to the sum of Fifteen Pounds three shillings & two pence be allowed, & that the Petition<sup>rs</sup> discharge the same. [*Passed June 17.*]

## CHAPTER 23.

VOTE FOR PURCHASING JUDGE SEWALS LAND FOR THE GOVERN<sup>RS</sup>  
USE AT THE COST OF £750.

Legislative  
Records of the  
Council, xv.,  
100.

House Jour-  
nal, p. 46.  
*Ante*, p. 354,  
chap. 159.

IN THE HOUSE OF REPRESENT<sup>YES</sup> Whereas the House think it advisable, that a Tract of Land situate near the Rear of the House & Land belonging to the Province where His Excellency the Govern<sup>r</sup> now dwells with the Stables & Buildings thereon be purchased at the Charge & for the Use of the Province to accomodate the Governor for his Coach, Chariot, Horses & Furniture, The Purchase Consideration whereof will amount to Seven hundred & fifty Pounds;

*Voted* that the said Sum of Seven hundred & fifty Pounds be allowed & paid out of the publick Treasury for the purchasing the above mentioned Tract of Land & Buildings for the Use aforesaid. The Deed thereof to be made to Jeremiah Allen Esq<sup>r</sup> Treasurer of the Province, Samuel Checkley Esq<sup>r</sup> Treasurer of the County of Suffolk, & Joseph Wadsworth Esq<sup>r</sup> Treasurer of the Town of Boston & to their respective Successors in the said Offices as Trustees for & in behalf of the Province.

In Council; Read & Concur'd. [*Passed June 17.*]

## CHAPTER 24.

ORDER ON PETITION OF THE HEIRS OF JUDITH GIBBINS DECLARING  
THE DISTRIBUTION OF THEIR LANDS VOID.

Legislative  
Records of the  
Council, xv.,  
101.

House Jour-  
nal, pp. 34, 47.

A PETITION of John Sharp & others Grand Children of Judith Gibbins late of Biddeford in the County of York Dec<sup>d</sup> Shewing that the Committee appointed to divide the Real Estate of the said Judith by the Judge of Probates for the said County committed a great Error in their Report of the Division of a Tract of Land near Biddeford of two miles square, calling each quarter Part two miles square instead of Two Miles long & half a mile broad, which Mistake was not observed till about eight months after the said Division was allowed by the Judge & put upon record, so that the Time given by Law for Appeals was elapsed Therefore Praying for an Order for setting aside the said Division & that a new Division may be made of the Land above mentioned.

Read &

*Ordered* that the Prayer of the Petition be granted & the Division of Two miles square of Land on the North side of Biddeford above refer'd to is hereby declared null & void; And the Judge of Probate for the s<sup>d</sup> County is hereby impowered & directed to order a new Division of the Land aforesaid; Any Law, Usage or Custom to the contrary notwithstanding. [*Passed June 17.*]

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## CHAPTER 25.

### ORDER ON THE REPORT ABOUT THE BORDER<sup>RS</sup> ON RHOAD ISLAND GOVERN<sup>T</sup>.

THE COMMITTEE appointed by this Court to consider what may be proper for this Court to do with respect to the Inhabitants of this Province that border on the Bounds of that Part of the Province formerly Plymouth & the Colony of Rhoad Island do humbly offer,

That in as much as the Commission<sup>rs</sup> appointed by the Govern<sup>t</sup> of Rhoad Island have not agreed with Commissioners of this Govern<sup>t</sup> to settle & establish the River called Patucket to be the Bounds between that Part of this Province formerly Plymouth & the Colony of Rhoad Island, notwithstanding the Charter granted in 1627, to the Company of Plymouth bounds them on said River, & ever since has been under the Govern<sup>t</sup> of the Massachusetts, the Land between the said River & the Town of Rehoboth purchased by some Persons of that Town upwards of sixty years, & confirmed & added thereto by the General Court of the late Colony of Plymouth; And altho in the Year 1664 Commissioners from the Crown, thereunto authorized, did make a Settlement of the Bounds between the then two Colonies of Plymouth & Rhoad Island until His Majestys Pleasure should be known; viz, the said River of Patucket until the same comes to the Massachusetts South Bounds, & which has been acknowledged ever since by the Govern<sup>t</sup> & further confirmed to the Town of Rehoboth within this Province by the Royal Charter of King William & Queen Mary; & whereas this Court did order (in the Appointm<sup>t</sup> of Commiss<sup>rs</sup> to agree the said Bounds) that all Processes in the Law against any Persons that border on the said Line for Rates & Taxes shall be suspended in the mean time Therefore that all the Persons inhabiting on the Land to the Eastward of the said River be obliged to pay the Rates & Taxes that they or their Estates have been or shall be assessed, & do all Duties & enjoy all the Priviledges that any other the Inhabitants of this Province do or ought to do, notwithstanding the said Order of Suspension or other Pretence whatsoever: All which is submitted by

W<sup>M</sup> DUDLEY, By Order & in the Name of y<sup>e</sup> Comm<sup>tee</sup>

Read &

*Ordered* that this Report be Accepted. [*Passed June 18.*]

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## CHAPTER 26.

### ORDER ALLOWING THE ACC<sup>T</sup> OF THE TREAS<sup>R</sup> OF MIDDLESEX CO.

AN ACCOMPT presented by Daniel Russel Esq<sup>r</sup> Treasurer of the County of Middlesex for the Year 1730, Having been laid before the Court of General Sessions of the Peace for s<sup>d</sup> County & by them Allow'd

Legislative  
Records of the  
Council, xv.,  
101.

House Jour-  
nal, p. 48.  
*Ante*, p. 584,  
chap. 3.

Legislative  
Records of the  
Council, xv.,  
102.

House Jour-  
nal, pp. 11, 47.

In Council; Read &

*Ordered* that this Accompt be allowed, The several Articles being vouched by proper Discharges according to Law.

In the House of Represent<sup>ves</sup> Read & Concur'd, Saving the several Charges for Officers Dinners.

In Council; Read & Concur'd. [*Passed June 18.*]

## CHAPTER 27.

Legislative  
Records of the  
Council, xv.,  
102.

ORDER ACCEPTING THE COMMITTEE'S REPORT ON BRIMFIELD AFFAIR.

WILLIAM DUDLEY ESQ<sup>r</sup> from the Committee of both Houses on the Affair of Brimfield gave in their Report.

Read &

*Ordered* that this Report<sup>1</sup> be Accepted. [*Passed June 18.*]

Legislative  
Records of the  
Council, xv.,  
89. House  
Journal, pp. 24,  
48, 49. *Ante*,  
p. 548, chap. 21.

## CHAPTER 28.

ORDER ON ICHABOD TUPPERS PETITION PRAYING FOR LEAVE TO BRING AN ACTION.

A PETITION of Ichabod Tupper of Middleborô, Shewing that in April 1724, he commenced an Action of the Case at an Inferior Court of Common Pleas for the County of Barnstable against Timothy Bourn of Sandwich, that upon the Appeal at the Superior Court, the Matters in difference were refer'd to Arbitrators, who brought in their Award, but nothing was done thereupon so that the Petitioner is still kept out of his just right, And therefore Praying that the said Timothy Bourn may be ordered to bring forward his Appeal at the next Superior Court, & that the Judges may be impowered to try the same, or that he may be otherwise relieved as this Court shall think fit.

Read &

*Ordered* that the Petitioner serve the adverse Party with a Copy of this Petition that so he may shew Cause, if any he have, on the second Wednesday of the next Session, why the Prayer thereof may not be granted. [*Passed June 18.*]

Legislative  
Records of the  
Council, xv.,  
103.

House Jour-  
nal, p. 43.

## CHAPTER 29.

ORDER ALLOWING £18 PER ANNUM TO JOSIA JOHNSON FOR THREE YEARS.

A PETITION of Josiah Johnson of Woburn Shewing that the Wounds he received from the Indians at Pigwacket Fight are still open & that he is thereby so disabled as that he is not capable of doing much for his Livelihood, Praying that this Court would allow him a stated Pension

Read &

*Ordered* that the Sum of Eighteen Pounds per Annum (from the first of this Instant June) be allowed & paid out of the publick Treasury to the Petitioner for & during the space of three Years he surviving to that Time. [*Passed June 18.*]

Legislative  
Records of the  
Council, xv.,  
103.

House Jour-  
nal, p. 46.  
*Ante*, p. 351,  
chap. 148.

<sup>1</sup> No copy of this report has been found.

## CHAPTER 30.

ORDER DIRECTING TREASURER TO SUPPLY CPT. BENJ<sup>A</sup> LARRABEES  
INDENT OF STORES.

AN INDENT presented by Cpt. Benjamin Larrabee of Stores wanting at His Majestys Fort George under his Command

Read &

*Ordered* that the Treasurer be directed to supply the said Cpt. Larrabee with the stores therein mentioned. [*Passed June 18.*]

Legislative  
Records of the  
Council, xv.,  
103.

House Jour-  
nal, pp. 42, 46.

## CHAPTER 31.

## ORDER ALLOWING £20 FOR A CHAPLAIN AT BRUNSWICK.

A PETITION of Cpt. Benjamin Larrabee Commander of His Majestys Fort George at Brunswick, Praying for an Allowance out of the publick Treasury to M<sup>r</sup> Benjamin Kent who has preached for some considerable time at Brunswick, & officiated as Chaplain to the Garrison there.

Read &

*Ordered* that the Sum of Twenty Pounds be allowed & paid out of the publick Treasury to the Memorialist, to be applied to & for the support of a Chaplain for the Garrison, & Inhabitants of Brunswick the Year Currant, And that the Chaplain be subsisted out of the Province Stores. [*Passed June 18.*]

Legislative  
Records of the  
Council, xv.,  
103.

House Jour-  
nal, pp. 35, 41,  
47.

## CHAPTER 32.

ORDER ACCEPTING THE REPORT ON THE PETITION OF DIVERS IN-  
HABITANTS OF LANCASTER.

THE COMMITTEE appointed by the General Court Decem<sup>r</sup> 30. 1730, to take under consideration the Petitions of Jonas Houghton Simon Stone Jun<sup>r</sup> Jonathan Whitney & Thomas Wheeler in behalf of themselves & sundry other Inhabitants on the Eastern Parts of the Town of Lancaster, Groton & Stow, Praying that they may be erected into a separate Township, likewise a Petition of Jacob Houghton Joseph Hutchins & several Inhabitants of the North Easterly Parts of the Town of Lancaster, Praying they may be erected into a separate Township, & also a Petition of sundry of the Inhabitants of the South West Part of the North East Quarter of the Township of Lancaster, Praying they may be continued as they are, Having first notified the Parties concerned, viewed the situation, & considered the circumstances of the Parties, report as follows: That notwithstanding the Lands petitioned for are sufficient for a Township, & many of the Petition<sup>rs</sup> labour under great difficulties in attending upon the publick Worship of God, yet in as much as near one half of the Persons included in the Petition of Jonas Houghton & others, likewise of Jacob Houghton & others are very averse to be set off as a Township, We can not think it advisable to grant the Prayer at present nor until they be better agreed: Yet in as much as the Persons whose Names are hereunto annexed included in Jonas Hough-

Legislative  
Records of the  
Council, xv.,  
105.

House Jour-  
nal, p. 52.  
*Ante*, p. 529,  
chap. 171;  
p. 568, chap. 72.

tons Petition at their own Cost & Charge maintained Preaching among them selves, for five years past four months in the Year, without any consideration from their respective Towns, We therefore are humbly of Opinion that so long as they continue thus to do they be abated their Ministerial Tax to their respected Towns until the further Order of this Court: Which is submitted, by SPENCER PURPS

In the Name & by Order of the Committee.

The Names of the Persons in the Petition of Jonas Houghton & others in the extreame Parts of Lancaster, Groton & Stow: Lancaster, John Sawyer, Jonathan Whitney, John Nichols, Stephen Houghton, Joseph Priest, John Priest Jun<sup>r</sup> Simon Atherton, Henry Houghton Jun<sup>r</sup> James Whetcomb, Isaiah Whitney, John Whitney, Robert Fosket Jonathan Crouch, John Wetherby, Hezekiah Willard, Benjamin Atherton, Uriah Holt, Joseph Atherton, Joshua Church, Henry Willard John Willard Seth Walker, Abraham Willard, Samuel Rogers jun<sup>r</sup> Joseph Willard Samuel Rogers: Stow, John Taylour, Thomas Wheeler, Jonas Whitney, Jacob Gates, Shadrack Hapgood, John Daby, Richard Whitney, Samuel Cummins, Israel Stevens, Samuel Stevens; Groton, Jonathan Farnworth, Simon Stone Jun<sup>r</sup> Eleazar Robins, Jonathan Farnworth Jun<sup>r</sup> Eleazar Davis, Jeremiah Farnworth, Reuben Farnworth.

Read &

*Ordered* that this Report be Accepted. [*Passed June 22.*]

## CHAPTER 33.

### ORDER ON THE PETITION OF INHAB<sup>TS</sup> OF NORTON TO BE MADE A PRECINCT.

Legislative  
Records of the  
Council, xv.,  
107.

House Jour-  
nal, p. 53.

A PETITION of Nicholas White & a considerable Number of others Inhabitants of the Northerly Part of the Town of Norton in the County of Bristol, Setting forth their great difficulties in attending upon the publick Worship of God by reason of their living so remote from the Meeting house there; And therefore Praying that they & their lands may be set off from said Town of Norton, & constituted a separate Township or Precinct within certain bounds particularly set forth & described in the said Petition.

Read &

*Ordered* that the Petitioners with their Estates, agreable to the bounds hereafter mentioned; viz. Westwardly by Attleborò Bounds, Northerly, by Stoughton Bounds Eastwardly by Easton Bounds until it comes to be due West from the House of Erasmus Babbet Dec<sup>d</sup> From thence to the South of Samuel Caswells House; three rods or poles from thence to the Center between the publick Meeting House in Norton & the Common Land upon the eight mile Plain in said Norton; from said Center to said Attleborò Bounds on the South of Benjamin Lanes House, & on the North of the House of Isaac Shepherd Dec<sup>d</sup> he & hereby are erected into & made a distinct & separate Precinct, & vested with the like Powers, Privileges & Immunities as other Precincts within this Province have or by Law ought to enjoy. [*Passed June 23.*]

## CHAPTER 34.

ORDER OF NOTICE ON ELDAID TUPPERS PETITION RELATIVE TO THE  
SUPPORT OF A MINISTER.

A PETITION of Eldad Tupper for himself & divers others of the Church & Town of Sandwich who are dissatisfied with the Conduct of their Minister M<sup>r</sup> Fessenden, Praying to be discharged from supporting him or that a Committee of this Court may be appointed to repair thither & consider their Circumstances, & report what may be proper to be done for their relief.

Legislative  
Records of the  
Council, xv.,  
108.

House Jour-  
nal, p. 51.

Read &

*Ordered* that the Petitioner serve the Town of Sandwich with a Copy of the Petition, that so they may shew Cause, if any they have, on the first Thursday of the next Session why the Prayer thereof should not be granted. [*Passed June 23.*]

## CHAPTER 35.

ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO M<sup>r</sup> EXPER<sup>CE</sup>  
MAHEW.

A PLAT of Two hundred Acres of Land laid out by Jonas Houghton Survey<sup>r</sup> & two Chain men on Oath, to fulfill a Grant made by the General Court in Decem<sup>r</sup> 1730, to M<sup>r</sup> Experience Mahew; Which adjoins to the 2,000 Acres of Land belonging to Watertown & bounds South Westerly thereon, else where on unappropriated Land; Beginning at a Rock with a head of stones upon it one mile to the Eastward of the Great Wachuset Hill, & running North by the Needle thirty five Degrees East, eighty Perch to a Pillar, then East thirty five Deg. South four hundred Perch to a red Oak, then South thirty five Deg. West to a Pillar of Stones in said Watertown Farm Line, & then North Westerly by said Farm four hundred Perch to the Bounds first mentioned.

Legislative  
Records of the  
Council, xv.,  
110.

House Jour-  
nal, p. 51.  
*Ante*, p. 530,  
chap. 172.

Read &

*Ordered* that the Land herein delineated & described be & hereby is confirmed to the within named Experience Mahew, his Heirs & Assigns for ever, Provided the same do not exceed the Quantity of Two hundred Acres nor interfere with any other or former Grant. [*Passed June 24.*]

## CHAPTER 36.

ORDER DIRECTING M<sup>r</sup> TREASURER TO SUPPLY STORES FOR FORT  
GEORGE PER CPT BENJ<sup>A</sup> LARRABEE'S INDENT.

AN INDENT presented by Cpt. Benjamin Larrabee of Stores wanting at Fort George at Brunswick under his Command.

Read &

*Ordered* that M<sup>r</sup> Treasurer be & hereby is directed to supply the within named Cpt. Benjamin Larrabee with the Articles within mentioned (except the Article of Powder to be but two Barrels for the Great Guns & one for the small Arms) & that the said Larrabee pass his Receipt to the Treasurer & be accomptable for the same. [*Passed June 24.*]

Legislative  
Records of the  
Council, xv.,  
110.

House Jour-  
nal, p. 55.

## CHAPTER 37.

ORDER DIRECTING THE TREASURER TO SUPPLY STORES AT FORT ST. GEORGE PER CPT. JOHN GYLES'S INDENT.

Legislative  
Records of the  
Council, xv.,  
110.

House Jour-  
nal, p. 56.

AN INDENT presented by Cpt. John Gyles of Stores wanting at His Majestys Fort at S<sup>t</sup> Georges River under his Command.

Read &

*Ordered* that M<sup>r</sup> Treasurer be & hereby is directed to Supply Capt<sup>t</sup> John Gyles with the Articles mentioned in this Indent, And (for as much as transporting Wood for the Garrison where he is placed in the usual manner is found very burthensome) That he have leave at the Charge of the province to purchase, one Yoke of Oxen, one Cart & Sled for that Service, The Soldiers to cut & cart the wood & get hay for keeping the Oxen in the Season therefor: The s<sup>d</sup> Gyles to pass his receipts to the Treasurer for the Several Articles & to be accountable for the Same. [*Passed June 24.*]

## CHAPTER 38.

ORDER DIRECTING THE TREASURER TO SUPPLY STORES TO FORT RICHMOND PER CAP<sup>t</sup> JOS: HEATHS INDENT.

Legislative  
Records of the  
Council, xv.,  
110.

House Jour-  
nal, p. 56.

AN INDENT presented by Cap<sup>t</sup> Joseph Heath of Sundry Stores wanting at his Majesty's Fort at Richmond, under his Command.

Read &

*Ordered* y<sup>t</sup> M<sup>r</sup> Treasurer be & hereby is directed to Supply Capt. Joseph Heath with the Several Articles contained in this Indent. And for as much as transporting Wood for the Fort where the s<sup>d</sup> Heath is placed, in the usual manner is now become very difficult; That he have leave at the Charge of the province to purchase One Yoke of Oxen one Cart & Sled for that Service, the Soldiers to cut & cart the wood & get Hay for keeping the Oxen in the Season thereof, The s<sup>d</sup> Heath to pass his Receipts to the province Treasurer for the Several Articles & to be accountable therefor. [*Passed June 24.*]

## CHAPTER 39.

ORDER FOR PLACING Y<sup>E</sup> MEETING HOUSE IN Y<sup>E</sup> NEW PRECINCT IN DEDHAM & STOUGHTON.

Legislative  
Records of the  
Council, xv.,  
111.

Legislative  
Records of the  
Council, xv.,  
93. House  
Journal, pp. 35,  
59. *Ante*,  
p. 368, chap.  
197.

THE COMMITTEE that was appointed at this Sessions of the General Court on the Eleventh day of this June to repair to the precinct set off some Time the last Year from Dedham & Stoughton to veiw & consider the Situation & Circumstances thereof & report what may be proper to be done, Do report as follows, Viz<sup>t</sup>

That We have veiw'd the Precinct, considered the Circumstances of the Land & heard the Pleas & Allegations of the people & find them very unsatisfied among themselves, as to a place for the Meeting House to stand on; Then We nominated four places Several or Separate Each from the Other, on which, as to our selves, We could report on any of them; But to make them unite if possible, desired that they would fix



on that particular Spot of the four they liked best, on which they called a precinct Meeting, & on the 21. of this June 1731. Voted that it was the mind of the precinct to fix the Meeting House on the South End of the Common Land lying between John Cobbs & D<sup>r</sup> Richards's And We considering the Circumstances of the whole as to high Ways, Judge the Southermost part of s<sup>d</sup> Common Land, that is that part of it as may be most convenient for the Buildings & Accommodations for the meeting House it self is the best place to Set it on, All which is humbly Submitted.

JOSEPH WADSWORTH in the Name of the Committee.

Read &

*Ordered* That this Report be accepted & that the Meeting House in the New precinct in Dedham & Stoughton be placed accordingly, And the Account of the Committee's Time & Expences amounting to the Sum of Four pounds four Shillings be allowed & be paid by the said Precinct to the Committee. [*Passed June 24.*]

## CHAPTER 40.

### ORDER ON PETITION OF JOSIAH & HANNAH WILLARD IMPOWERING THEM TO JOIN IN A SALE OF LAND.

A PETITION of Josiah & Hannah Willard as They ar Gaurdians to Six of their Children being Minors. Viz<sup>t</sup> Richard Mary Elizabeth and Thomas Clark & Hannah & Josiah Willard, Shewing that the said Minors are some of the residuary Legattees, named in the Will of Madam Mary Saltonstal dec<sup>d</sup> who left among other Estate a House & Land & small pasture in Boston, which were not particularly devised to any persons, That the rest of the residuary Legattees (being Thirteen in Number) are all of Age, except one (who is married) and are very desirous to sell the said real Estate, which is of little profit as it lies, & for as much as there is now an Opportunity of Selling it to Advantage. Therefore praying an Order of this Court to Impower the Petitioners in their Capacity of Gaurdians as afores<sup>d</sup> to Join with the rest of the Interested in the Sale of the said real Estate & in Executing Deeds of Conveyance of y<sup>e</sup> same accordingly

Legislative  
Records of the  
Council, xv.,  
112.

House Jour.  
nal, pp. 56, 61.

Read &

*Ordered* that the Prayer of y<sup>e</sup> Petition be granted, Provided the Petitioners give sutficient Security to the Governour & Council to Account for the proceeds of such Sale, any Law Usage or Custom to the Contrary notwithstanding. [*Passed June 29.*]

## CHAPTER 41.

### VOTE ABOUT Y<sup>E</sup> BRIDGE OVER SWAN POND CREEK.

IN THE HOUSE OF REPRESENTATIVES. The House took into Consideration the Affair of the Cart Bridge over Swan Pond Creek, &

*Voted* that the Sum of thirty pounds is due from M<sup>r</sup> Richard Milberry as Agent for the Province to M<sup>r</sup> John Stagpole for Building & finishing the s<sup>d</sup> Bridge, & the Same ought to be paid accordingly. In Council Read & Concur'd. [*Passed June 29.*]

Legislative  
Records of the  
Council, xv.,  
113.

House Jour.  
nal, p. 63.  
*Ante*, p. 464,  
chap. 151.  
*Infra*, chap. 42.

## CHAPTER 42.

Legislative  
Records of the  
Council, xv.,  
113.

House Jour-  
nal, p. 63.  
*Supra*, chap.  
41.

ORDER ALLOWING £10 TO M<sup>r</sup> RICHARD MILBERRY.

*Ordered* that the Sum of Ten pounds be allowed & paid out of the publick Treasury to M<sup>r</sup> Richard Milberry for his Care & Trouble respecting the Cart Bridge over Swan Pond Creek. [*Passed June 29.*]

## CHAPTER 43.

ORDER DIRECTING THE TREASURER TO SUPPLY STORES TO THE SLOOP ENDEAVOUR AS PER CAP<sup>t</sup> THOMAS SAUNDERS INDENT.

Legislative  
Records of the  
Council, xv.,  
113.

House Jour-  
nal, p. 65.

AN INDENT presented by Cap<sup>t</sup> Thomas Saunders of Stores necessary for the Sloop Endeavour a Transport in the Service of the Province of which he is Master

[Read and]

*Ordered* that M<sup>r</sup> Treasurer be & hereby is directed to Supply the abovenamed Cap<sup>t</sup> Thomas Saunders with the Articles above mentioned (except y<sup>e</sup> Iron pot) the said Saunders to pass his Receipts therefor to the Treasurer & to be accountable for the Same. [*Passed June 29.*]

## CHAPTER 44.

ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND GRANTED TO CAP<sup>t</sup> BENJ<sup>n</sup> WRIGHT.

Legislative  
Records of the  
Council, xv.,  
116.

House Jour-  
nal, p. 67.  
*Ante*, p. 305,  
chap. 18.

A PLAT of Two Hundred Acres of Land laid out by Samuel Wright Survey<sup>r</sup> & two Chain men on Oath to fulfill a Grant made by this Court in June 1728. to Cap<sup>t</sup> Benjamin Wright, which Land lies Northerly of a Grove laid out to Eleazer Warner, Westerly of Brantrey 6,000 Acres partly on a Hill called Ditch Meadow Hill. Bounded Easterly by said Grant to Brantrey Westerly Line, Northerly & Westerly by province Land, & Southerly partly by said Warner's Grant & partly by province Land; Beginning at a heap of Stones being the Southwesterly Corner of said Brantrey Grant running North two Degrees East 336 rods to a heap of Stones marked with B W. for a Corner, then running West, two Degrees North 114 rods to a heap of Stones marked as aforesaid, then running South four Degrees West, 272 Rods to a heap of Stones mark'd as aforesaid, then running East Eight Degrees, North partly on said Warner's Line 82 rod to a Rock being said Warner's Northeast Corner, then running South eight Degrees East upon said Warner's Line to a Heap of Stones for a Corner, then running East eight Degrees, North Twenty Seven Rods shutting on to the said Brantrey Land where it began.

Read &

*Ordered* that the Land above delineated & described be & hereby is Confirmed to the abovenam'd Benjamin Wright his Heirs & Assigns forever, provided the same exceed not y<sup>e</sup> Quantity of Two hundred Acres, nor interfere with any other or former Grant. [*Passed June 30.*]

## CHAPTER 45.

## ORDER CONFIRMING A PLAT OF 50 ACRES OF LAND TO ELEAZAR WARNER.

A PLAT of fifty Acres of Land laid out by Cap<sup>t</sup> Sam<sup>l</sup> Wright & two Chain men on Oath to fulfill a Grant made by this Court in Sept<sup>r</sup> last to Eleazer Warner, lying Northerly of Brookfield North line near thereto & Westerly of the West line of Brantrey 6,000 Acres on a Hill called Ditch Meadow Hill, Bounded every way by province Land beginning at a Heap of Stones mark'd with E W. running North eight Degrees, West 133 rods to a heap of stones mark'd as aforesaid, then running East eight Degrees north sixty three rods, to a Rock mark'd as aforesaid, then running South eight Degrees East 133 rods to a heap of Stones, mark'd for a Corner as aforesaid Then running West eight Degrees, South Sixty three Rods to the Heap of Stones where it began.

Read &

*Order'd* that the Land within Delineated & Described be & hereby is Confirmed to the within nam'd Eleazer Warner his Heirs & Assigns Provided the Same exceed not the quan[tity]<sup>1</sup> of Fifty Acres nor Interfere with any other or former Grant. [*Passed July 2.*]

Legislative  
Records of the  
Council, xv.,  
117.

House Jour-  
nal, p. 72.  
*Ante*, p. 505,  
chap. 38.

## CHAPTER 46.

VOTE DISCHARGING Y<sup>e</sup> TRUSTEES OF THE HASSANIMISCO INDIANS.

AN ACCOMPT presented by Spencer Phips Esq<sup>r</sup> & others Trustees for the Indians of Hassanamisco of their Receipts & Disbursements for the said Indians from the End of May 1730. to the End of May 1731. Balance of Interest Money resting in their Hands being the Sum of £58. 8.

Read &

*Voted* that the Accomptants be discharged of the Sum of One Hundred fifty nine pounds Eighteen Shillings & six pence disbursed on Acc<sup>t</sup> of the Indians, And that They further Acc<sup>t</sup> to this Court for the fifty eight pounds & eight pence ballance remaining in their Hands also the principal Stock belonging to the Indians. [*Passed July 5.*]

Legislative  
Records of the  
Council, xv.,  
120.

House Jour-  
nal, pp. 11, 73.  
*Ante*, p. 483,  
chap. 37.

## CHAPTER 47.

## ORDER OF NOTICE ON THE PETITION OF PIERSON &amp; JACOB RICHARDSON PRAYING FOR A NEW TRIAL OF A CAUSE, REFERRED TO THE NEXT SESSION.

A PETITION of Pierson Richardson & Jacob Richardson, Complaining of some unfair Managem<sup>t</sup> of some of the Jury that tried a Cause in the Superior Court for the County of Middlesex between the Petition<sup>rs</sup> & one Job Richardson in concealing some Papers in the Cause from the rest of the Jury; And therefore Praying that they may have a new Trial.

Read &

*Ordered* that the Petitioners serve the adverse Party with a Copy of

Legislative  
Records of the  
Council, xv.,  
98, 123.

Legislative  
Records of the  
Council, xiv.,  
457; xv., 62, 123.  
House Jour-  
nal, pp. 35, 36,

<sup>1</sup> Inserted from the State Library copy. Legislative Records of the Council, xv., 118.

77. *Ante*,  
p. 499, chap. 78.

this Petition, that so he may shew Cause, if any he have, on the first Tuesday of the next Session of this Court why the Prayer thereof may not be granted. [*Passed July 7.*]

## CHAPTER 48.

### ORDER GRANTING WM & JOHN ALLEN LEAVE TO BRING AN ACTION OF REVIEW.

Legislative  
Records of the  
Council, xiv.,  
122, 124.

House Jour-  
nal, pp. 80, 81.

A PETITION of William & John Allen of Boston Merch<sup>ts</sup> shewing that they have had long Dealings with one Richard Yardley of London who is now become Bankrupt, and Samuel Sydbothom & others are Assignees of his Effects & Debts, which Assignees Have Constituted John Osburn Esq<sup>r</sup> & Comp<sup>a</sup> their Attorneys here, who have brought their Actions against the petitioners in behalf of the said Assignees w<sup>ch</sup> went against the petition<sup>rs</sup> on the Appeal at the Superiour Court praying that they may be enabled to bring their Action of reveiw at the next Superiour Court to be held at Boston by Leaving a Copy of the Writ with the said John Osburn Esq<sup>r</sup> & Comp<sup>a</sup> as Attorneys

read together with the Answer of John Osburn Esq<sup>r</sup> &c. & the same being fully considered,

*Ordered* that the prayer of the petition be granted, And y<sup>t</sup> the petitioners have Liberty to bring y<sup>r</sup> Action of Reveiw in the Cause within mentioned at y<sup>c</sup> next Superiour Court of Judicature to be Holden in Boston for y<sup>c</sup> County of Suffolk by leaving a Copy of the Writ with the said John Osburn Esq<sup>r</sup> And the Justices of the s<sup>d</sup> Superiour Court are Impowered & Directed to hear & determine the s<sup>d</sup> Action accordingly; Any Law Usage or Custom to the contrary Notwithstanding. [*Passed July 9.*]

## CHAPTER 49.

### VOTE ALLOWING £300 FOR A PRESENT TO THE EASTERN INDIANS.

Legislative  
Records of the  
Council, xv.,  
128.

Executive  
Records of the  
Council, ix.,  
325. House  
Journal, pp. 85,  
86.

In the House of Representatives

*Voted* that a parcel of Goods to the value of Two Hundred pounds Mentioned in a Schedule or Invoice herewith exhibited be purchased out of the money lying in y<sup>c</sup> Treasurer's hands for carrying on the Trade with the Indians; W<sup>ch</sup> Goods are to be disposed of to & among the Cagnawaga & Saco Indians now here & that His Excellency the Governour be desired in the Name of this Governm<sup>t</sup> to make a present thereof accordingly & that the further Sum of One hundred pounds of the same Money be granted to purchase three Barrels of good Pistol powder & Shot, to be presented by this Governm<sup>t</sup> to the Cagnawaga Indians the powder & Shot to be lodged at the Block House above North feild, The Commanding Officer there immediately after receiving thereof to Acquaint the Tribe of Indians therewith, that they may come & distribute the same to & among themselves And that M<sup>r</sup> Cook, M<sup>r</sup> Hall & M<sup>r</sup> Wells with such as the Hon<sup>ble</sup> Board shall appoint be a Committee to purchase the s<sup>d</sup> Goods & Advise with his Excellency in sorting the Same. In Order for his making a Distribution thereof among the said Indians in the presence of this Court, the Committee to sit forthwith. In Council Read & Concur'd, & Samuel Thaxter & Tho<sup>s</sup> Cushing Esq<sup>rs</sup> are Joined in the Affair. [*Passed \* July 16.*]

## CHAPTER 50.

## ORDER ALLOWING CAPT KELLEGE'S PETITION FOR GOODS SHORT.

A PETITION of Capt Joseph Kelleg Truck Master at the Fort above Northfeild praying that He may be Allowed for half a Barrel of powder which he lost by the Staving of the Cask in Transporting it as also for three Yards & half of Scarlet Cloth. being so much Short Measures in a peice He bought for the Indian Trade & that he may be allowed the Sum of Ten pounds Ten Shillings by him Expended on the French Maquas at the said Fort upon their delivering the Calamat of peace, & proposing that the Roof of the Truck House should be repaired, & that a Separate Room should be built on the Backside for keeping the Goods in As also that the Garrison w<sup>ch</sup> is now very weak & small should be enlarged.

Read &

*Ordered* that the Memorialist be allowed out of the publick Treasury for y<sup>e</sup> half Barrel of powder, the three Yards & half of Scarlet Cloth at the rate he was charged therefor & the Sum of Ten pounds Ten Shillings he Expended in Entertaining y<sup>e</sup> Indians. The said Kelleg to apply to M<sup>r</sup> Laughton of whom the<sup>1</sup> bought the Cloth for Satisfaction for the Short Measures & when Obtained, to return the Same into the Treasury. And that M<sup>r</sup> Treasurer Supply the said Kelleg with Materials for the Covering & Repairing the Bloch-house as Also for building a Room or Separate Apartm<sup>t</sup> for a Storehouse on the Back of the said Block house. [*Passed July 19.*]

Legislative  
Records of the  
Council, xv.,  
129.

House Jour-  
nal, pp. 79, 80,  
81.

## CHAPTER 51.

ORDER ON BENJ<sup>A</sup> SYLVESTER PETITION TO HAVE A NEW TRIAL OF AN APPEAL FROM A JUDGMENT.

A PETITION of Benjamin Sylvester of Scituate in the County of plimouth praying that he may be Enabled by an Order of this Court to prosecute at the next Superiour Court to be holden for the County of Bristol An Appeal from A Judgment obtained against him at the Inferiour Court for said County by Ebenezer Eddy, Which he fail'd of doing at a former Court by reason of his Attorney's being stop'd on his Journey by Stormy Weather so that his said Appeal could not be Entred.

Read &

*Ordered* that the prayer of y<sup>e</sup> petition be so far granted As that the Petitioner be Enabled to bring his Writt of reveiw of the Action above referr'd to at the next Superiour Court of Judicature to be held at Bristol for the County of Bristol, & the Justices of the said Court are Impowered & Directed to Hear & Determine the said Action accordingly the Costs to remain as they are, Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed July 20.*]

Legislative  
Records of the  
Council, xv.,  
127, 130.

House Jour-  
nal, pp. 85, 90.  
*Ante*, p. 513,  
chap. 142.

<sup>1</sup> "He," in the State Library copy, Legislative Records of the Council, xv., 129.

## CHAPTER 52

ORDER ON PETITION OF JOHN AND HANNAH BROOKS, INDIANS, IM-  
POWERING THEM TO SELL LAND.

Legislative  
Records of the  
Council, xiv.,  
497; xv., 130.

House Jour-  
nal, p. 90.

A PETITION of John Brooks & Hannah his Wife of Natick Indians Praying for Liberty to sell half a common Right in Natick for defraying the Charges arising on the said Hannah's Sickness, the said Land to be sold to Samuel Ames who has supplied them with Money.

Read &

*Ordered* that John & Hannah Brooks have Leave to dispose of so much of their right in the Common Land in Natick as will produce the sum of Fifty pounds, & that Francis Fulham Esq<sup>r</sup> & M<sup>r</sup> John Death<sup>1</sup> be desired & impowered to Assist them & see that they have Justice done them in the Sale thereof. The Lands to be Sold to the highest Bidders, & publick Notice to be given of the Time & Place of Sale at least Ten days beforehand & the produce of the Land to be applied for the purposes mentioned in the said Brooks's Petition, And the Remainder Thereof, if any there be to be disposed of, according to the Discretion of the s<sup>d</sup> Francis Fulham Esq<sup>r</sup> & John D'Aeth for the Benefit of the Petitioners as their Circumstances call for. [*Passed July 20.*]

## CHAPTER 53.

ORDER ON MEDFORD SELECTMENS PETITION PRAYING FOR AN ABATE-  
MENT OF COUNTY TAX.

Legislative  
Records of the  
Council, xv.,  
130.

House Jour-  
nal, p. 75 (Sep-  
tember, 1729);  
pp. 89, 90.  
Province  
Laws, ii., 537,  
chap. 4.

A PETITION of the Select Men of the Town of Medford Shewing that in the Year. 1729. The s<sup>d</sup> Town was fined by y<sup>e</sup> House of Representatives the Sum of Twenty pounds, w<sup>ch</sup> they accordingly paid, That thro' Mistake they were that Year taxed to the County rate in proportion to their province Tax & the said Fine added, by which means they were overrated Eight pounds more than they ought to have been by Law, praying that this Court would Order a Reimbursement of the said Sum read & in Answer thereto

*Ordered* that the Justices of the peace for the County of Middlesex at their next Session be & hereby are Impowered & Directed to Inquire into the Matter herein complained of & to abate the Town of Medford in the next County rate for Middlesex or Reimburse the said Town out of the County Treasury so much as they paid more to the County Rate, for the said County in the Year. 1729. than would have been levied on them, If they had paid in the province Rate for that Year but Twenty four pounds, two Shillings only. For as much as the further Sum of Twenty pounds, which the s<sup>d</sup> Town paid to the province Treasurer was a penalty, laid on them for not sending a Representative in the Year aforesaid. [*Passed July 20.*]

<sup>1</sup> The House Journal reads, "D'Aeth."

## CHAPTER 54.

ORDER ALLOWING £20 TO CAPT JOHN HAYES.

A MEMORIAL of Cap<sup>t</sup> John Hayes Keeper of the Light House Shewing that in Obedience to the late Leint: Govern<sup>r</sup> Dummer's Order to keep A careful look out that so he might Give the Signal of his Excellency's coming in, He continued constantly at the Light House for several Months by which He lost the Opportunity of piloting Ships & other Vessels in & out of the Harbour, praying some Consideration from this Court for his Loss & Damage thereby. Read &

*Ordered* that the Sum of Twenty Pounds be allowed & paid out of the publick Treasury to the Memorialist in full Discharge for his said Service. [*Passed July 23.*]

Legislative  
Records of the  
Council, xv.,  
132.

House Jour-  
nal, p. 72.

## CHAPTER 55.

VOTE ON HENRY JOCLYN'S MEMORIAL, PRAYING FOR RELEASE FROM PRISON, AND ORDERING THE ARREST OF SUNDRY PERSONS.

A MEMORIAL of Henry Jocelyn One of the late Constables of the Town of Attleborough in the County of Bristol setting forth that He being in the Execution of his Office in Collecting Taxes, Committed to him of the Inhabitants of the said Town was on the nineteenth Instant forceably seized by one Job Bartlet & others under pretence of a Warrant from Jonathan Sprague & William Arnold Esq<sup>rs</sup> Justices of the peace within the County of providence in the Colony of Rhode Island & committed to the common Goal of y<sup>e</sup> s<sup>d</sup> County where he is restrained of his Liberty praying Releif from this Court.

Legislative  
Records of the  
Council, xv.,  
132, 134.

House Jour-  
nal, pp. 91, 92,  
95, 96. *Ante*,  
p. 523, chap.  
151.

Benjamin Lynde Esq<sup>r</sup> from the Committee of both Houses on the Memorial of Henry Jocelyn gave in the following Report Viz<sup>t</sup>

In Answer to the Complaint of Henry Jocelyn One of y<sup>e</sup> Constables of Attleboro' now a prisoner in the Common Goal at Providence in the Governm<sup>t</sup> of Rhode Island, The Committee are of Opinion that the said Imprisonm<sup>t</sup> of the said Joscelyn is wrong & oppressive, & that he ought forthwith to be discharged, & that Job Bartlet together with his Assistants Joseph Brown Joseph Razy Daniel Wilson & Josiah Fish being all of them known & allowed Inhabitants of Attleboro', Joseph Staples & Nathanael Staples in like manner Inhabitants of Bellingham & Wrentham & for many Years have as well enjoyed the priviledges as performed the Duties of Inhabitants of this province within their respective Towns were guilty of a great Misdemeanour viz. the s<sup>d</sup> Job Bartlet in Seizing & the others in Assisting him forceably to carry the s<sup>d</sup> Jocelyn out of this province to a prison within the Governm<sup>t</sup> of Rhode Island, at a Time when the said Jocelyn was in the Execution of his Office viz. Collecting the publick Taxes of Attleboro' that were Committed to him, And therefore that the Sheriffs of the Counties of Bristol & Snnfolk be Ordered to Apprehend the s<sup>d</sup> Job Bartlet & others & bring them before this Court to Answer for their great Offence as aforesaid.

By Order of the Committee

BENJAMIN LYNDE

Read &amp;

*Voted* that this Report be accepted & that Warrants be issued out accordingly, and that His Excellency be humbly requested to write to the Governour of Rhode Island desiring him to Order the release of

the s<sup>d</sup> Jocelyn, & that for the Time to come His Majesty's Officers of this province be not Obstructed in the Execution of y<sup>r</sup> Office by any Warrants or Directions from that Governm<sup>t</sup>. [*Passed July 27.*]

## CHAPTER 56.

ORDER OF NOTICE ON THE PETITION OF EBENZ<sup>r</sup> THORNTON PRAYING FOR LEAVE TO BRING AN ACTION, REFERRED TO THE NEXT SESSION.

Legislative  
Records of the  
Council, xv.,  
136.

House Jour-  
nal, pp. 92, 93.

A PETITION of Ebenezer Thornton of Boston in the County of Suffolk Shipwright, praying that this Court would enable him to bring forward his Action against one John Seabury of Groton in the Colony of Connecticut for breach of a certain Covenant made between the petitioner & the said Seabury by Serving his Attorney with a Summons, & that such Service may be deemed good, & sufficient, And y<sup>t</sup> Seventy pounds recovered by said Seabury of the petitioner may be stop'd in his Attorney's Hands & subjected to the Event of the petitioner's said Action or that He may obtain some other releif from this Court

Read &

*Ordered* that the petitioner serve the adverse party, or his Attorney with a Copy of the petition, that so he may shew cause if any he have, on the first Fryday of the Next Session, why the prayer thereof may not be granted, And y<sup>t</sup> all further process in the Law be Stayed in the mean Time. [*Passed July 28.*]

## CHAPTER 57.

ORDER ON HEADS PETITION FOR A GUARDIAN.

Legislative  
Records of the  
Council, xv.,  
87, 137.

Legislative  
Records of the  
Council, xv.,  
86. House  
Journal, p. 25.  
*Ante*, p. 547,  
chap. 19.

ON THE PETITION of William Head [*ante*, p. 547, chap. 19]

*Ordered* that the Prayer of the Petition be granted, & that the Choice the Petition<sup>r</sup> hath made of M<sup>r</sup> William Briggs to be his Guardian be & hereby is ratified & confirmed, Anything in the Will of the within named Benjamin Head, or Any Law, Usage or Custom to the contrary notwithstanding; The said William Briggs to give sufficient security to the Judge of Probate for the County of Bristol for the faithful discharge of his Trust & to accompt according to Law. [*Passed July 28.*]

## CHAPTER 58.

ORDER REFERRING PETITION OF STEPHEN & JEMIMA DAVID, INDIANS, FOR LEAVE TO SELL LAND TO THE NEXT SESSION.

Legislative  
Records of the  
Council, xv.,  
138.

House Jour-  
nal, p. 102.

A PETITION of Stephen David & Jemima his wife Indians of Teticut in the County of Plimouth, Which Jemima is the only Child & Heir of Joseph Joslyn of said Teticut deceased, Shewing that they have a Considerable Estate of Inheritance in Lands, & that they have contracted some Debts, praying Liberty to Sell some of their Lands which is least commodious for Improvement for paying their Debts, Building a House after the English fashion, & buying necessary furniture Cattle &c.

Read &

*Ordered* that the Consideration of this petition be refer'd to the next Session, And that in the mean Time M<sup>r</sup> Samuel Barrow M<sup>r</sup> Elisha Bysby



& M<sup>r</sup> Ezra Clap be desired to enquire into the Circumstances of the Petition<sup>rs</sup> & the Land they desire to Sell & report to the said Session. [*Passed July 30.*]

## CHAPTER 59.

### ORDER IMPOWERING THE SHERIFF OF THE COUNTY OF SUFFOLK TO DEMAND BAIL FOR ATTLEBORO PRISONERS.

JOB BARTLET & others of Attleboro' &c. were brought before the whole Court by the Sheriffs of the Countys of Bristol & Suffolk and examined as to their Seizing Henry Jocelyn & carrying him to providence Goal & as to their resisting the s<sup>d</sup> Sheriffs in the Execution of their Warrants.

*Ordered* that the Sheriff of the County of Suffolk require Bail, to be taken before One of His Majesty's Justices [of the]<sup>1</sup> peace for the s<sup>d</sup> County. viz<sup>t</sup> from Job Bartlet in the Sum of One Hundred pounds, Joseph Razy, Daniel Wilkinson Joseph Staples & Gideon Tower in the Sum of Fifty pounds Each for their Appearing before this Court at their present Session, when they shall be called for, and in Case of their refusing to give such Bail, That The said Sheriff commit their Bodies to His Majesty's Goal in Boston. [*Passed July 30.*]

Legislative  
Records of the  
Council, xv.,  
138.

House Jour-  
nal, p. 102.  
*Ante*, p. 603,  
chap. 55.  
*Infra*, chap. 60.

## CHAPTER 60.

### ORDER FOR A COMM; TO EXAMINE ATTLEBORO MEN.

#### In Council

*Ordered* that Paul Dudley, Tho<sup>s</sup> Palmer & Jonath<sup>n</sup> Remington Esq<sup>rs</sup> with such as shall be Joined by the Hon<sup>ble</sup> House of Representatives be a Committee to Examine Job Bartlet & others brought before the Court by a Warrant directed to the Sheriff of the County of Bristol as also to Examine the witnesses respecting their behaviour, & to consider & report as soon as may be what they Judge proper for this Court to do in this Affair.

In the House of Representatives Read & Concur'd &

*Ordered* that M<sup>r</sup> Cook M<sup>r</sup> Lyn[d]e M<sup>r</sup> Bowles M<sup>r</sup> Shove & M<sup>r</sup> Bysby be joined in the Affair. [*Passed July 30.*]

Legislative  
Records of the  
Council, xv.,  
139.

House Jour-  
nal, pp. 102, 103.  
*Supra*, chap.  
59.

## CHAPTER 61.

### ORDER ON PETITION OF THO<sup>s</sup> DEBUKE FOR LEAVE TO BRING AN ACTION.

A PETITION of Thomas Debuke of Boston Victualler shew<sup>g</sup> that at the Inferiour Court of Common pleas for the County of Suffolk held at Boston in July. 1730. He brought his Action of y<sup>e</sup> Case against Samuel Cooper of Boston aforesaid Taylor for the Sum of £ which the petitioner recovered by the Judgment of the said Court, from which the said Cooper Appealed to the Superiour Court to gain Time, but failed of prosecuting his said Appeal, And your Petitioner's Attor-

Legislative  
Records of the  
Council, xv.,  
136, 139.

House Jour-  
nal, pp. 95, 103,  
105.

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xv., 138.

ney on whom He depended, neglected to file his Complaint praying that he may be enabled at the next Superiour Court for y<sup>e</sup> County of Suffolk to file his Complaint for a Confirmation of the Judgment of the Inferiour Court, and that the Justices of the said Superiour Court may be Impow-ered & directed to proceed therein according to Law, & as if there had been no failure in the Petitioner.

Read, & it appearing that the Adverse party has been duly served with a Copy of this Petition,

*Ordered* that the prayer of the petition be granted. [*Passed July 31.*]

## CHAPTER 62.

### ORDER OF NOTICE ON SAM<sup>l</sup> HAYWARD &c. PETITION RELATING TO INCUMBRANCES IN IPSWICH RIVER.

Legislative  
Records of the  
Council, xv.,  
140.

House Jour-  
nal, p. 103.

A PETITION of Samuel Hayward for himself & in behalf of divers Inhabitants of Salem Topsfeild & Reading Complaining that the Fish in Ipswich River are Obstructed from coming up the said River by Mill Dams & other Incumbrances Set up there, & praying that this Court would Appoint a Committee to view the said River & the Incumbrances thereon & Report to this Court what they shall Judge proper to be done for the releif of the petitioners. Read, &

*Ordered* that the petitioners serve the Adverse partys with a Copy of this petition that so they may shew cause if any they have on fryday next why the prayer thereof may not be granted. [*Passed August 2.*]

## CHAPTER 63.

### ORDER ALLOWING £3. 3. 9 TO SOLOMON HEWS.

Legislative  
Records of the  
Council, xv.,  
140.

House Jour-  
nal, p. 103.

A PETITION of Solomon Hewes of Wrentham setting forth that he had a Quantity of the Bills of Credit of this province in his Chest to the value of three pounds three shillings & nine pence which have been so gnawed & defaced by the Rats or Mice that they are utterly unfit to be pass'd in payments praying that the province Treasurer may be Ordered to Exchange them for good Bills. Read &

*Ordered* that the prayer of the petition be granted, & that The Treasurer of this Province be & hereby is directed to Exchange the said Bills accordingly. [*Passed August 4.*]

## CHAPTER 64.

### ORDER OF NOTICE ON THE PETITION OF JOHN ALLEN RELATIVE TO A NOTE.

Legislative  
Records of the  
Council, xv.,  
141.

House Jour-  
nal, p. 106.

A PETITION of John Allen of Chilmark in Dukes's County Esq<sup>r</sup> praying an Order of this Court for subjecting A note under Hand for Sixty five pounds five Shillings given by the Petitioner to one John Aytey of Chilmark aforesaid to Satisfy a Judgment for Seventy Seven pounds six shillings obtained by the petitioner of the said Aytey.

Read &

*Ordered* that the Petitioner serve the adverse party or his Attorney with a Copy of this petition that so he may shew cause if any he have, on Tuesday the Tenth Instant if this Court be then sitting, if not on the Second Thursday of the next Session, why the prayer thereof may not be granted. [*Passed August 5.*]

## CHAPTER 65.

ORDER FOR COMMITTING JOB: BARTLET &c. TO JAIL.

*Ordered* that y<sup>e</sup> Sheriff of the County of Suffolk be directed & Impowred forthwith to Commit Job Bartlet, Josiah Rasey Daniel Wilkin-son, Joseph Staples and Gideon Tower to his Majesty's Goal in said County. [*Passed August 10.*]

Legislative  
Records of the  
Council, xv.,  
143.

Legislative  
Records of the  
Council, xv.,  
142. House  
Journal, p. 111.  
*Ante*, p. 695,  
chap. 60.

## CHAPTER 66.

ORDER ON JOS. BROWNS PETITION PRAYING FOR A TRIAL OF ACTIONS.

A PETITION of Joseph Brown of Boston Distiller, shewing that since his last petition to this Court he (not knowing that Godfrey Malbone was in this province) served his Writts of Reveiw referr'd to in the said petition on the said Malbone's Attorney John Overing Esq<sup>r</sup> by leaving Copies with him, but for as much as the said Actions cannot in the Common Course of the Law be tried & determined by the Superiour Court for the County of Suffolk (where they are brought) upon the Service aforesaid Therefore praying the special Order of this Court to Impower & direct the Justices of the s<sup>d</sup> Superiour Court to try the Petitioner's, Actions of Reveiw against the s<sup>d</sup> Malbone at their present Term

Read &

*Ordered* that the prayer of the petition be granted. [*Passed August 12.*]

Legislative  
Records of the  
Council, xv.,  
144.

House Jour-  
nal, pp. 92, 112.  
*Ante*, p. 541, .  
chap. 1.

## CHAPTER 67.

ORDER ON JOHN FINNEYS PETITION FOR A LICENCE TO KEEP A TAVERN AT FALMOUTH.

A PETITION of John Finney of Falmouth in y<sup>e</sup> County of York setting forth that He has kept a Tavern in said Town for many Years past, & was this Year Approved of by the Select Men but disallowed by the Court of General Sessions of the peace for s<sup>d</sup> County. And for as much as the House he lives in is very commodiously seated for a Tavern & has been improved that way Therefore prayi<sup>g</sup> an Order of this Court to the said County Court to Grant him a Licence at their next Session & that he may have leave to Sell strong Drink in the mean Time

Read &

*Ordered* that the prayer of the petition be granted & that the Justices of the Court of General Sessions of the peace for the County of York be impowred at their next Sessions (If they see cause) to Grant him a Licence to keep a Tavern & that he have (& hereby is given him)

Legislative  
Records of the  
Council, xv.,  
144.

House Jour-  
nal, pp. 112, 114,  
115. Province  
Laws, ii., 415,  
chap. 1.

Liberty so to do in the Interim, He recognizing before One of his Majesty's Justices of the peace for the s<sup>d</sup> County with Sureties to Observe the Laws relating to such as are so admitted. [*Passed August 12.*]

## CHAPTER 68.

### ORDER ON WILL<sup>m</sup> ANTHONYS PETITION RELATIVE TO THE SERVICE OF A WRIT.

Legislative  
Records of the  
Council, xv.,  
144.

House Jour-  
nal, p. 113.  
*Ante*, p. 547,  
chap. 18.

A PETITION of William Anthony Executor of Abraham Anthony praying that this Court would Allow of the Service of a Writ of Reveiw taken out against John Anthony (a person out Of the province) by Leaving a Copy thereof with his Attorney John Read Esq<sup>r</sup> to be good & valid & Sufficient to bring the Cause to a Trial.

Read &

*Ordered* that the prayer of the petition be granted, & that the petition<sup>rs</sup> leaving Copies of the Writts mentioned in the petition within refer'd to, with John Read Esq<sup>r</sup> Attorney to the Adverse party be & hereby is declared to be a good Service, Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed August 12.*]

## CHAPTER 69.

### ORDER ON HANNAH LOVEL'S PETITION EMPOWERING HER TO PROSECUTE AN ACTION IN THE NAME OF HER HUSBAND.

Legislative  
Records of the  
Council, xv.,  
145.

House Jour-  
nal, p. 114.

A PETITION of Hannah Lovel of Barnstable shewing that her Husband James Lovel went to Sea in Septem<sup>r</sup> 1727, & has not been since heard of, That since his Departure she has taken much pains for the Maintenance of her self & Children & is some times put to Difficulties to Obtain payment for the Effects of her Labour. And therefore praying that she may be Enabled legally to recover her just Dues of those that may refuse to pay her the same Read &

*Ordered* that the prayer of the petition be so far granted as that the s<sup>d</sup> Hannah Lovel be Impowered to prosecute in the Law all such Actions as shall be brought in the Name of her Husband James Lovel for any Debts which are Outstanding or due to him, & shall become due for her Labour for the Support of her self & Family or otherwise during her said Husbands Absence, tho' her Husband hath not left with her a power of Attorney Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed August 13.*]

## CHAPTER 70.

### ORDER ON PETITION OF JOB BARTLET &c. PRAYING TO BE ALLOWED TO GIVE BAIL.

Legislative  
Records of the  
Council, xv.,  
146.

House Jour-  
nal, pp. 112, 114.

A PETITION of Job Bartlet, Joseph Rasey, Daniel Wilkinson Joseph Staples & Gideon Tower Prisoners in his Majesty's Goal in Boston, for riotous proceedings & Actions against the Constable of the Town of Attleboro' & Sheriff of the County of Bristol whilst he was in Execu-

tion of a Warrant from this Government, Praying that they may be discharg'd from their Imprisonment upon their giving sufficient Bail to Answer any Charge against them *Ante*, p. 607, chap. 65.  
Read & in Answer to this Petition

*Ordered* that the petition<sup>rs</sup> Job Bartlet Joseph Razy Daniel Wilkinson Joseph Staples & Gideon Tower be admitted to Bail & that their recognizances be taken before Two of his Majesty's Justices of the peace for the County of Suffolk, The said Job Bartlet to recognize in the Sum of Five Hundred pounds with two sufficient Sureties in Two Hundred & fifty pounds Each, the others in the Sum of Three Hundred pounds Each with like Sureties in the Sum of One Hundred & fifty pounds Each, The Sureties to be of the Inhabitants of this province Except such as dwell on the Gore of Land; The Conditions of the recognizances to be that the said Job Bartlet & the four other before named persons personally Appear at the next Superiour Court of Judicature Court of Assize and General Goal Delivery to be Holden at Bristol for the County of Bristol on the Second Tuesday of Septem<sup>r</sup> next then & there to Answer what shall be Objected against them on His Majesty's Behalf, more Especially the Complaint of Henry Jocelyn late Constable of Attleboro', & Charles Church Esq<sup>r</sup> Sheriff of the County of Bristol & to be of the good Behaviour in the mean Time. [*Passed August 13.*]

## CHAPTER 71.

### ORDER APPOINTING A COMMITTEE ON Y<sup>E</sup> PETITION OF SAM<sup>L</sup> HAYWARD RELATIVE TO INCUMBRANCES IN IPSWICH RIVER.

ON THE PETITION of Samuel Hayward Agent for divers Inhabitants of the Towns of Salem Topsfeild &c. [*ante*, p. 606, chap. 62]

In Council This Petition was read & it appearing that the Adverse party hath been Notified & no Answer is given

*Ordered* that Ebenezer Burril Esq<sup>r</sup> with such as shall be Appointed by the Hon<sup>ble</sup> House of Representatives be a Comm<sup>ee</sup> at the Charge of the petitioner to repair to Ipswich River & carefully view the same with the Mill Dams thereon & report to this Court at their next Session what they Judge proper to be done on the petition In the House of Representatives Read & Concur'd &

*Ordered* that Major Gerrish & M<sup>r</sup> Gatchel be joined in the Affair. [*Passed August 13.*]

Legislative  
Records of the  
Council, xv.,  
146.

House Jour-  
nal, p. 115.  
*Ante*, p. 606,  
chap. 62.

## CHAPTER 72.

### ORDER ON SARAH EMERSON'S PETITION IMPOWERING HER AS AD- MINISTRATRIX TO EXECUTE A DEED.

A PETITION of Sarah Emerson Widow & Administratrix of the Estate of John Emerson late of Charlestown in the County of Middlesex Clerk deceased, Shewing that one Samuel Sprague of Malden in s<sup>d</sup> County for the Consideration of Twenty five pounds curr<sup>t</sup> Silver money rec<sup>d</sup> of the s<sup>d</sup> John Emerson in his life Time, made an absolute Deed for conveying a parcel of Meadow & pasture Land to the s<sup>d</sup> Emerson lying in Malden aforesaid, W<sup>ch</sup> Deed was recorded in the registry for the County, That the s<sup>d</sup> Emerson gave his Bond for reconveying the s<sup>d</sup> Land to the s<sup>d</sup> Sprague upon his paying the s<sup>d</sup> Sum of Twenty five pounds with law-

Legislative  
Records of the  
Council, xv.,  
147.

House Jour-  
nal, p. 118.

ful Interest, Which has been done on the part of the s<sup>d</sup> Sprague, But for as much as only the s<sup>d</sup> Emerson His Heirs & Assigns were Obliged & Impowered to reconvey the s<sup>d</sup> Land, The petitioner as Adminis<sup>x</sup> is not qualified by Law to Act therein, And therefore praying the special Order of this Court to Impower her to reconvey the Lands abovementioned to the s<sup>d</sup> Sam<sup>l</sup> Sprague his Heirs & Assigns      Read &  
*Ordered* that y<sup>e</sup> prayer of the petition be granted. [*Passed August 17.*]

## CHAPTER 73.

### VOTE REFERRING TO Y<sup>e</sup> LINE BETWEEN THIS PROVINCE AND NEW HAMPSHIRE.

Legislative  
Records of the  
Council, xv.,  
150.

Legislative  
Records of the  
Council, xiv.,  
384; xv., 137  
*ibis*, 138. House  
Journal,  
pp. 101, 106, 108,  
134. Province  
Laws, ii., 577,  
chap. 1. *Ante*,  
p. 584, chap. 8.

WHEREAS his Excellency the Governour at his first meeting of the General Court, after his Arrival here, (being the ninth of Septem<sup>r</sup> last) acquainted them, That his most gracious Majesty out of a tender care for all his Subjects, had directed him to propose to the General Assembly of this province & that of New Hampshire a method by his Majesty prescribed for the amicable adjustm<sup>t</sup> of a long & unhappy Controversy respecting the Boundaries of the provinces w<sup>ch</sup> he had communicated to that Government, And they express'd to him their readiness to bring the Affair to a Friendly Issue: This Court taking the same into due Consideration, & being sincerely desirous & willing that the Dispute might be adjusted in the Way & Method pointed out by His Majesty speedily Agreed upon a Scheme or Projection for Effecting the same, which when laid before the General Assembly of New Hampshire in Decem<sup>r</sup> last, they would not conform thereto, but pass'd an Act empowering Commiss<sup>rs</sup> to determine & put an End to these disputes provided this Governm<sup>t</sup> would pass an Act of the same kind, W<sup>ch</sup> Act of theirs being laid before this Court at their Session in the afores<sup>d</sup> Month of Decem<sup>r</sup> was deemed in Several respects insufficient, & for want of some provisos, It was apprehended the Commiss<sup>rs</sup> would not be Sufficiently Authorized & Impowered so justly to fix & determine the Boundary Line; To prevent therefore any such Inconvenience & that no more Controversys might ever hereafter arise touching y<sup>e</sup> Bounds of the provinces, This Court at their Session in Febr<sup>y</sup> last pass'd an Act fully empowering Commiss<sup>rs</sup> to Determine the afores<sup>d</sup> Bounds, & made provision in Several Instances as well as Authorized the Commiss<sup>rs</sup> to Order Equivalents, if by them Adjudged requisite, W<sup>ch</sup> provision for Equivalents their General Assembly took no notice of. This Act or Law was to remain firm & Stable forev<sup>r</sup> provided they would come into an Act like to it in Substance, which that Governm<sup>t</sup> did not think fit to do, when the same was by them considered at a Session of the General Assembly on the Seventh of May last, but came into a Vote or Order appointing a Commit<sup>tee</sup> to meet & confer with a Commit<sup>tee</sup> from this Court at Newbury on the 22<sup>d</sup> of June last pass'd, if this Court see meet to Choose one in Order to agree upon a Draught of a Bill that might

<sup>1</sup> both Governm<sup>ts</sup> directing both Commit<sup>tees</sup> to make their respective Reports with all convenient Speed, that so the Controversy might be ended if possible by the first of November then next coming; And this Court being at their present Session advised of the proceedings of the Governm<sup>t</sup> of New Hampshire, from a just regard to the lasting peace & Tranquility of the provinces & to Avoid all further disquietudes, & to prevent a needless Expence of

<sup>1</sup> This blank occurs in both copies of Legislative Records of the Council.

considerable Sums of Money in repeating Law Suits on this Head, & that His Majesty's Subjects whose Lands border on the controverted Line might live in Ease And Quiet as others the Inhabitants of each province, They on the second of June last raised a Commit<sup>tee</sup> to meet a Commit<sup>tee</sup> of theirs at Newbury on the 22<sup>d</sup> of Said Month, if this Court's Sitting should not prevent them, but if so, seasonable Notice was to be given to the New Hampshire Commit<sup>tee</sup> & the time when they could meet them: On the 15 of the s<sup>d</sup> Month this Court continuing to Sit, A Letter was express'd by a Messenger to their Commit<sup>tee</sup> advising them that the Court's sitting would forbid the Commit<sup>tee</sup> from hence meeting on the Day prefixed, as likewise that they should be further Notified in Season when this Governm<sup>ts</sup> Comm<sup>tee</sup> would meet them, W<sup>ch</sup> was done by another Express of the 21 June, Wherein it was proposed to meet them at Newbury on the 13 of July following; This Court being now further advised that the House of Representatives for the province of New Hampshire in General Assembly convened on the first Instant came into a Vote or Order first, declaring w<sup>t</sup> that Court had done respecting the boundary Line at their Session in May afores<sup>d</sup> & that their Committee had not heard whether this Governm<sup>t</sup> had proceeded to Choose a Committee or not, but by private Letters were Informed the Committee would not meet them (tho' both Expresses of the 15 & 21 of June reached the Hands of their Committee seasonably & were read in their Assembly.) They also make mention of a Letter from his Excellency to the president of their Council which was then before them desiring the House to pass a Vote to enable A Committee of that Province to meet at Newbury on the afores<sup>d</sup> 13 of this Instant with a Direction to have the General Court prorogued to Septem<sup>r</sup> next, Altho' at the same Time His Excellency the Governour wrote to the Secretary of that province on the 21 of June, in which Letter is the following Paragraph. "This Assembly being still like to sit some Time the Commit<sup>tee</sup> here cannot meet the New Hampshire Committee about the Line till the 13 proximi<sup>1</sup> of w<sup>ch</sup> the Gentlemen here write to You by the Post, I have therefore wrote y<sup>e</sup> president that your Assembly must sit the first of next month, & vote to meet this Committee according to Time" And allowing that their Committee were not strictly speaking sufficiently notified of this Governm<sup>ts</sup> proceeding on this Head, Yet will any one presume or insinuate that their General Assembly were not well & seasonably advised even by publick Letters from their Governour to the president of their Council & Secretary of the province as above, Both which they had the full knowledge? That Assembly go on Saying "By w<sup>ch</sup> delays the Settlement of the Line cannot be finished this Fall & that such a proceeding is contrary to the Interest of that Government & the Intent of His Majesty's Instructions, that therefore the House did not think it for the Interest of the province to choose a Committee but to come into some other method & represent the Matter to the Court of Great Britain & shew how Far that province had proceeded & Endeavoured a peaceable Settlement of s<sup>d</sup> Lines" And pray'd his Honour the Leut: Gover<sup>r</sup> & the Board would come into the same, w<sup>ch</sup> the Council the day following Non concur'd & Reviv'd the Vote appointing a Committee W<sup>ch</sup> the Assembly Non concur'd & Adher'd to their former Vote; Now in as much as this Court humbly Apprehend That His Majesty's good & gracious design so wisely calculated for the peace & Tranquility of both provinces, would be entirely prevented, if either this or the Governm<sup>t</sup> of New Hampshire should defeat a Compromisem<sup>t</sup> of this Affair so much to be desired, by such pretences & Excuses as are advanced by the Assembly of New Hampshire, For that House had

<sup>1</sup> *Sic.*

all the Assurance, the Situation of publick Affairs here would Admitt of That nothing but the General Court's continuing to sit would retard the Committ<sup>ee</sup> from hence meeting at Newbury, W<sup>ch</sup> will doubtless sufficiently plead for & Justify their Non Attendance at that Time ; Duty to His Majesty & the<sup>r</sup> Countrys Interest requiring their Attendance here, Especially if it be Considered what Short Space of Time it was further refer'd to, as also the only Season of the Year for doing such Business at so great a Distance, And likewise the Month of Novem<sup>r</sup> was as soon as they possibly expected the Affair to be ended. To the End therefore that it manifestly may appear that as this Court from their being first appriz'd of his Majesty's gracious & good Intent which when well Effect'd, were well satisfy'd would Advance y<sup>e</sup> Interest & Growth of both provinces, So they still remain of the same Beleif, & purpose what in them lies strenuously to Endeavour that the Resolutions heretofore taken for bringing that Matter to a happy Close might not be frustrated, Not in any measure moved or Excited heretofore<sup>1</sup> an Apprehension that the Govern<sup>r</sup> of New Hampshire can Represent the Matter to the Court of Great Britain in prejudice to this province, by shewing forth any Delays on the part of this Government, Attending the whole of the Business, Altho' the Assembly there adjudged that Method advisable for them to pursue Do therefore

*Order & Impower* Edmund Quincy William Dudley Elisha Cook & Benj<sup>a</sup> Lynde Esq<sup>rs</sup> M<sup>r</sup> Sam<sup>l</sup> Wells, M<sup>r</sup> Elisha Bysby & M<sup>r</sup> Edward Shove (or a major part of them) to be a Committee in behalf of this Governm<sup>t</sup> to meet a Committee from the Governm<sup>t</sup> of New Hampshire at Newbury some Time in the Month of Septem<sup>r</sup> next as the Committee shall agree, then & there to confer one with another respecting settling the boundarys between the provinces & agree upon the Draught of a Law (if so they can) w<sup>ch</sup> both Governm<sup>ts</sup> may come into for the full & final Settlement of the Line in peace, And that it be a Direction to the Committee on the Behalf of this province that provision be made in such a Bill, That all such Lands or Towns Which Either Governm<sup>t</sup> are in possession or Improvem<sup>ts</sup> of by Vertue of any ancient Grants be reserved to the Several Governm<sup>ts</sup> both as to Jurisdiction & property & that said Towns be particularly Enumerated in s<sup>d</sup> Bill ; And that such Equivalent may be given or received respecting property as the Commiss<sup>rs</sup> who shall be Impowred to determine the boundary Line, shall Judge reasonable. The Committee to report to this Court as soon as may be. [*Passed August 20.*]

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## CHAPTER 74.

### ORDER INCREASING THE COMM<sup>t</sup> ON RHODE ISLAND AFFAIR.

*Ordered* that M<sup>r</sup> Wells & M<sup>r</sup> Shove be joined to the Committee appointed the sixth Instant to write to the Government of Rhode Island in the room of M<sup>r</sup> Cook & M<sup>r</sup> Lynde now absent. [*Passed August 20.*]

<sup>1</sup> See.

Legislative  
Records of the  
Council, xv.,  
153.

Legislative  
Records of the  
Council, xv.,  
143. House  
Journal,  
pp. 110, 134.  
*Ante*, p. 608,  
chap. 70.



## CHAPTER 75.

ORDER OF NOTICE ON JN<sup>o</sup> & PHILIP KING'S PETITION TO BE SET OFF  
FROM THE TOWN OF RAYNHAM.

A PETITION of John King & Philip King setting forth the great hardship & Inconveniences which they suffer by being sett off from the Town of Taunton & placed to the New Town of Raynham & praying that they with their Families & Estates may be again sett to the Town of Taunton whence they were taken

Read &

*Ordered* that the petitioners serve the Town of Raynham with a Copy of this petition that so they may shew cause, if any they have on Tuesday the fourteenth of September next, if this Court be then sitting, If not, on the first Fryday of the next Sitting thereof, why the prayer thereof may not be granted. [*Passed August 21.*]

Legislative  
Records of the  
Council, xv.,  
153.

House Journal, pp. 134, 135.  
Province  
Laws, ii., 590,  
chap. 14.

## CHAPTER 76.

VOTE APPOINTING A COMMITTEE ON THE PETITION OF DAVID JACOB  
&c. ABOUT A MEETING HOUSE.

A PETITION of David Jacob & others of the Inhabitants of the North precinct in Scituate shewing that in defiance of the Order of this Court forbidding the removal of their Meeting House, divers persons of s<sup>d</sup> precinct have violently broke into s<sup>d</sup> Meeting House & have erased & demolished it praying that this Court would interpose their Authority for punishing those that have disobey'd their Orders, & also direct that Satisfaction be made to the Aggrieved petitioners. In Council Read &

*Voted* that Thomas Palmer & Ezekiel Lewis Esq<sup>rs</sup> with such as the Hon<sup>ble</sup> House shall appoint be A Committ<sup>e</sup> to Examine into the matters complained of & consider & report as soon as may be what is proper for the Court to do in the Affair.

In the House of Representatives Read & Concur'd &

*Ordered* that M<sup>r</sup> Shove M<sup>r</sup> Bourn & Cap<sup>t</sup> Goddard be joined in the Affair. [*Passed August 21.*]

Legislative  
Records of the  
Council, xv.,  
153.

House Journal, pp. 113, 133,  
134. *Ante*,  
p. 589, chap. 22.

## CHAPTER 77.

## ORDER FOR PROSECUTING JOB BARTLET &amp; OTHERS.

*Ordered* that Henry Jocelyn late Constable of the Town of Attleborô recognize before one of his Majesty's Justices of the peace for the County of Bristol in the Sum of One Hundred pounds for his Appearance at the next Superiour Court of Judicature Court of Assize & General Goal Delivery to be holden at Bristol for the s<sup>d</sup> County, then & there to bring forward & prosecute his Complaint lately exhibited to this Court against Job Bartlet & others for seizing & carrying him the s<sup>d</sup> Jocelyn to providence Goal on the 19<sup>th</sup> of July last, And that Charles Church Esq<sup>r</sup> Sheriff of y<sup>e</sup> Connty aforesaid also recognize before some Justice of the peace for y<sup>e</sup> same County in the Sum of One Hundred pounds to Appear at the s<sup>d</sup> Court to prosecute his Complaint against

Legislative  
Records of the  
Council, xv.,  
156.

House Journal, p. 135.  
*Ante*, p. 612,  
chap. 14.

the s<sup>d</sup> Job Bartlet & others for insulting & Abusing of him & his Assistants while in the Execution of a Warrant from his Excellency the Govern<sup>r</sup> (the 27 of s<sup>d</sup> July) pursuant to a Vote of this Great & General Court or Assembly. And y<sup>t</sup> the s<sup>d</sup> Sheriff take effectual Care that y<sup>e</sup> Witnesses timely recognize before some Justice of y<sup>e</sup> peace in a Sum not exceeding Ten pounds each, for their Appearance at the Court afores<sup>d</sup> to give Evidence on his Majesty's Behalf relating to the s<sup>d</sup> Complaints or Either of them. And y<sup>t</sup> it be & hereby is recommended to one or more of His Majesty's Justices of the afores<sup>d</sup> County forthwith to Issue out a Warrant for Apprehending Joseph Brown of Attleboro' afores<sup>d</sup> in Order to his recognizing in the Sum of Three Hundred pounds as Principal with two Sufficient Sureties in the Sum of One Hundred & fifty pounds each (the Sureties to be Inhabitants of this province, except such as dwell on the Gore of Land) Condition for s<sup>d</sup> Brown's Appearance at the Court afores<sup>d</sup> to answer to what shall then & there be Objected against him on his Majesty's Behalf, more especially the Complaint of the aforementioned Henry Joslyn for his Assisting the before named Job Bartlet in Seizing & carrying the s<sup>d</sup> Joslyn to y<sup>e</sup> Goal aforesaid & also to the Complaint of the s<sup>d</sup> M<sup>r</sup> Sheriff Church, & to be of the good Behaviour in the mean Time, And that the Comp[<sup>l</sup>]ain<sup>ts</sup> be & hereby are directed & Impowered to Improve One or more Attorneys to assist them in bringing forward & prosecuting their s<sup>d</sup> Complaints; The Charge of the prosecution to be born by this province. [*Passed August 21.*]

## CHAPTER 78.

### ORDER APPROPRIATING £300 FOR PRESENTS TO THE EASTERN INDIANS.

Legislative  
Records of the  
Council, xv.,  
157.

House Jour-  
nal, pp. 137, 140,  
141.

WHEREAS His Excellency was pleased this day to ask the Advice of His Majesty's Council upon a Message he received from the Hon<sup>ble</sup> House of Represent<sup>es</sup> on Saturday last praying for a Convenient Recess & the Council thereupon having advised His Excellency to grant their request, Now propose it as their Opinion, That it is requisite for the Hon<sup>ble</sup> House of Represent<sup>es</sup> to bring forward a Bill providing a Sufficient Supply, to defray such Incident Charges as may happen to Arise during the recess of this Court that may demand prompt payment, And the rather because his Excellency has Intimated to the Board that he expects in a few days Delegates from the Indian Tribes in the Eastern parts; It being a matter of Great Consequence to this Governm<sup>t</sup> that they sh<sup>d</sup> be suitably Entertain'd & Seasonably Dismiss'd.

Read & thereupon

*Ordered* that a Sum not exceeding Three hundred pounds be advanced & paid out of the Money lying in the Treasurer's Hands for carrying on the Trade with the Indians to purchase proper presents for the Delegates expected from the Eastern Tribes & for their Entertainment if they sho<sup>d</sup> happen to Arrive here during the Recess which his Excellency may now be pleased to give this Court. [*Passed August 25.*]

## CHAPTER 79.

## VOTE FOR REMOVING COLL. HARMAN FROM EXCISE OFFICE.

IN THE HOUSE OF REPRESENT<sup>ves</sup> Whereas this House have been duly certified that Coll. Johnson Harman (several Years since appointed by this Court Collector of Excise in the County of York) hath neglected to make payment agreeable to Law of the Sums of Money by him received by vertue of his said Office & hath repeated his so doing in such a Manner as to Occasion the Treasurer of this province to put in Suit the Bonds of the s<sup>d</sup> Collector,

Legislative  
Records of the  
Council, xv.,  
160.

House Jour-  
nal, p. 66  
(June, 1727);  
p. 140.

*Voted* that the said Johnson Harmon be & hereby is removed from his s<sup>d</sup> Office, And that His Majesty's Justices of the peace be advised hereof, that they may proceed to the Appointing of some other sutable person for the s<sup>d</sup> Office in the Room of the s<sup>d</sup> Harmon In Council Read & Concur'd. [*Passed August 25.*]

## CHAPTER 80.

## ORDER OF NOTICE ON PETITION OF JOSEPH LUCAS &amp; OTHERS.

A PETITION of Joseph Lucas & others Inhabitants of the Southerly part of The Town of Plimpton, praying that the s<sup>d</sup> Town (who were Ordered to make Answer to a petition prefered to this Court for a New precinct at the next Session) may be directed to give in their Answer at this present Session if the Court shall continue sitting any considerable Time, or that the Court would now be pleased to Order a Committee to repair to plimpton, view the place & hear the parties & report their Opinion as to the Dividing the Town into two Precincts.

Legislative  
Records of the  
Council, xv.,  
160.

House Jour-  
nal, pp. 139, 141.  
*Ante*, p. 583,  
chap. 7.

In the House of Represent<sup>ves</sup> Read &

*Ordered* that the petition<sup>rs</sup> Serve the Town of Plimpton with a Copy of this petition that so they may shew cause, if any they have on Wednesday the first of September next if this Court be then sitting, If not on the Time assigned in the former Order, Why the prayer thereof may not be granted In Council Read & Concur'd so far as that the Respondents Shew cause on Fryday the Twenty fourth of September next, Why the prayer thereof should not be granted.

In the House of Represent<sup>ves</sup> Read & Concur'd. [*Passed August 25.*]

## CHAPTER 81.

## ORDER ALLOWING £22 TO GRACE POTTER.

A PETITION of Grace Potter widow, of Judah Potter late of Concord deceased & Executrix of his last Will & Testament, Shewing that her House was lately burnt by unhappy Accident, & therein was Consumed the Sum of Twenty Two pounds of Bills of publick Credit on this province praying that the Treasurer may be ordered to pay her the like Sum.

Legislative  
Records of the  
Council, xv.,  
161.

House Jour-  
nal, p. 139.

Read &

*Ordered* that M<sup>r</sup> Treasurer be & hereby is directed to Deliver out of the Treasury of the Bills in his Hands received in by Taxes &c. unto

the within named Grace Potter qualified as aforesaid the Sum of Twenty Two pounds, the Treasurer to Acc<sup>t</sup> for s<sup>d</sup> Sum as for Bills burnt by Order of this Court. [*Passed August 25.*]

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## CHAPTER 82.

### VOTE ACCEPTING THE REPORT AB<sup>t</sup> SCITUATE MEETING HOUSE.

Legislative  
Records of the  
Council, xv.,  
161.

House Jour-  
nal, p. 138.  
*Ante*, p. 613,  
chap. 76.

WHEREAS it appears from sundry Representations or Complaints made to the General Court by many of the Inhabitants of the North-erly precinct in Scituate that the Affairs of the s<sup>d</sup> Precinct respecting their Meeting House are greatly embarrass'd & that the former Essays of the Court to prevent further Confusion & Disorders among them have not only failed of the desired Success, but have been treated with a Contempt unbecoming the Dignity of the Court, & deserving their Animadversions; And whereas it appears highly probable that the persons principally guilty of such Contempt may Endeavour to take Umbrage from some Acts or Votes of the s<sup>d</sup> Precinct, Therefore for the Reasons afores<sup>d</sup> & that the Court may do all that properly lies before them to prevent the further procecdure of Contention in s<sup>d</sup> precinct, the Committee are humbly of Opinion that the s<sup>d</sup> Northerly precinct in Scituate be directed to Chuse & send sutable persons of Each party to Attend the further Directions of this Court respecting their s<sup>d</sup> Affairs on the Twenty Seventh Day of August current, & that M<sup>r</sup> James Stetson of Hingham be Notified & Ordered to Attend this Court at the same Time: All which is humbly Submitted. In the Name & by Order of the Committee.

THOMAS PALMER.

Read & Accepted. [*Passed August 25.*<sup>1</sup>]

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## CHAPTER 83.

### ORDER APPOINTING A COMMITTEE OF BOTH HOUSES ON THE AFFAIR WITH RH: ISLAND GOVERN<sup>ts</sup>.

Legislative  
Records of the  
Council, xv.,  
164.

Legislative  
Records of the  
Council, xv.,  
163. House  
Journal, p. 145.  
*Ante*, p. 613,  
chap. 77.

In the House of Represent<sup>ves</sup>

*Orderel* that M<sup>r</sup> Cook M<sup>r</sup> Wells M<sup>r</sup> Shove Coll: Church, M<sup>r</sup> Lynde, M<sup>r</sup> Mason M<sup>r</sup> Thatcher & Cap<sup>t</sup> Foster with such as shall be joined by the Hon<sup>ble</sup> Board be a Committee to take under Consideration the Controversy referring to the Boundary Line between this province & the Colony of Rhode Island & report as soon as may be what may be proper for this Court further to do thereon

In Council Read & Concur'd, and Thomas Palmer Will<sup>m</sup> Dudley. Jonathan Remington Thomas Cushing & Ezekiel Lewis Esq<sup>rs</sup> are joined with the Committ<sup>ee</sup> of the House on the Affair above. [*Passed September 23.*]

<sup>1</sup> Adjourned to September 22. See Legislative Records of the Council, xv., 163.

## CHAPTER 84.

### ORDER GRANTING FURTHER TIME ON PETIT<sup>n</sup> OF SAM<sup>l</sup> STURTEVANT &c.

A PETITION of Samuel Sturtevant & Joseph Thomas Agents for the Town of Plimpton, Shewing that they have been but very lately served with a Copy of the petition for a New precinct, so that they have not had Time to prepare an Answer, praying for further Time

Read &

*Ordered* that the prayer of this petition be granted & that the petition<sup>rs</sup> give in their Answer on Fryday the first of October next if this Court be then sitting, If not on the first Wednesday of the next Sitting thereof. [*Passed September 25.*]

Legislative  
Records of the  
Council, xv.,  
165.

House Jour-  
nal, pp. 147, 148.  
*Ante*, p. 615,  
chap. 80.

## CHAPTER 85.

### VOTE INCREASING THE COMMITTEE ON NEW HAMPSHIRE BOUNDARY AFFAIR.

In the House of Represent<sup>ves</sup>

*Voted* that Mr Tho<sup>s</sup> Cushing jun<sup>r</sup> be added to the Comm<sup>tee</sup> for Meeting a Committee from New Hampshire to confer & agree Upon the Heads of a Bill for Settling the Boundary Lines between the two provinces. In Council Read & Concur'd &

*Voted* that Thomas Cushing Esq<sup>r</sup> be Added to y<sup>e</sup> Comm<sup>tee</sup> on the Affair above. In the House of Represent<sup>ves</sup> Read & Concur'd. [*Passed September 28.*]

Legislative  
Records of the  
Council, xv.,  
166.

House Jour-  
nal, pp. 84, 149.  
*Ante*, p. 610,  
chap. 73.  
*Infra*, chap. 86.

## CHAPTER 86.

### ORDER ALLOWING £30 TO Y<sup>e</sup> COMMITTEE ON NEW HAMPSHIRE BOUNDARY AFFAIR.

*Ordered* that the Sum of thirty pounds be Advanced & paid to the Comm<sup>tee</sup> appointed to Confer &c respecting a Bill for Settling the boundary Lines between this province & New Hampshire out of the Money lying in the Treasurer's Hands for carrying on the Trade with the Indians to defray the Charge of the s<sup>d</sup> Comm<sup>tee</sup> in transacting that Affair, the Comm<sup>tee</sup> to be accountable to this Court. [*Passed September 28.*]

Legislative  
Records of the  
Council, xv.,  
166.

House Jour-  
nal, p. 149.  
*Ante*, p. 610,  
chap. 73.  
*Supra*, chap.  
85.

## CHAPTER 87.

### ORDER ON EBEN<sup>r</sup> THORNTON'S PETITION TO BRING AN ACTION.

ON THE PETITION of Ebenz<sup>r</sup> Thorntons [*ante*, p. 604, chap. 56]

Read, together with the Answer of the Attorney of John Seabury, and the same being fully considered.

*Ordered* that the prayer of the petition be granted provided the petitioner bring forward his Action at the Inferiour Court of common pleas

Legislative  
Records of the  
Council, xv.,  
166.

House Jour-  
nal, p. 150.  
*Ante*, p. 604,  
chap. 56.

to be holden within & for the County of Suffolk in January next any Law Usage or Custom to the Contrary Notwithstanding. [*Passed September 29.*]

## CHAPTER 88.

### ORDER ACCEPTING THE COMMITTEES REPORT AB<sup>T</sup> A NEW PARISH IN ROWLEY.

Legislative  
Records of the  
Council, xv.,  
168.

House Jour-  
nal, p. 153.  
*Ante*, p. 581,  
chap. 2.

SYMONDS EPES ESQ<sup>r</sup> from a Comm<sup>tee</sup> of both Houses on the petition of divers Inhabitants of Rowley for a new Precinct gave in y<sup>e</sup> following report viz

The Comm<sup>tee</sup> pursuant to the Order of the Great & General Court have viewed the old Town of Rowley, the Parish of Byfeild together with the Lands Petition'd for by Jon<sup>a</sup> Hammond & others for a Parish & having considered the State & Circumstances of the s<sup>d</sup> Town of Rowley, Parish of Byfeild as well as of the petition<sup>rs</sup> & having heard the pleas & Allegations of the Several parties who attended, & were present with us, On the whole are humbly of Opinion that the petitioners be sett off a Parish or Precinct according to such metes & Bounds as are hereafter described. Viz<sup>t</sup> That the divisional Line between the Parish of Byfeild, & the new proposed Parish begin at Symonds's Brook so called where Jacob Barker's Land joins to the Said Brook, or Mill River, as mentioned in the plan. Thence running North Westerly on a Strait Line, to the North West Corner of Benj<sup>a</sup> Stickney's Land, by the High Way taking into Byfeild parish all the said Stickney's Land if any of it should happen to be cut off by this Line; & from the said Corner of Stickney's Land, to run a Strait Line North-erly, to the East of Samuel Johnson's House, taking into the new proposed Parish the s<sup>d</sup> Johnson & all his Land leaving Samuel Jewett & his Land to Byfeild; & from s<sup>d</sup> Johnson's House, to run a strait Line to the East Corner of Ensign Benj<sup>a</sup> Plummer's House where he now dwells, only reserving to the Parish of Byfeild, Henry poor & John Tenny & their Houses & Lands, if they should happen to be cut off by this Line & leaving to the New proposed parish, William Fish & Abner Tod & their Lands together with all the Lands, contained in the Farm whereon the s<sup>d</sup> plummer now dwells, from the s<sup>d</sup> Plummer's House North Westerly to the South East Corner of Jedediah Parson's Land, & so betwixt his Land & the Land of Nathanael Herriman & by s<sup>d</sup> Herriman's Land till it comes to Bradford Line, And so by Bradford Line Boxford Line. Ipswich Line &c., as sett off by the Town of Rowley till it comes to the Place where it was begun at Symonds's Brook, or Rowley Mill River, The Divisional Line betwixt the Parish of Byfeild & the new proposed parish is a Single prick'd Line as markd on the Plan. The Comm<sup>tee</sup> are further humbly of Opinion that the Parish of Byfeild, be extended Southerly to Rowley Mill River so as to take in all the Lands lying Northerly of s<sup>d</sup> River, together with the Families & Estates thereon till it comes up to the Line betwixt the New proposed parish & the s<sup>d</sup> parish of Byfeild, excepting only Joseph Parsons & his Land, which is still to remain in the Old parish in Rowley: The Comm<sup>tee</sup> are also further humbly of Opinion that the Families contained within the respective Parishes, & lying adjacent to the Divisional Line have their Homesteads affixed to that Parish in which their Houses are Included Together with such persons as are before expressly mentioned by Name, All which is humbly Submitted.

In the Name & By Order of the Comm<sup>tee</sup>

SYMONDS EPES.

Read &

*Ordered* that this report be Accepted, & that the Lands above described & bounded be & hereby are sett off & Constituted a Separate & distinct Precinct, & that the Inhabitants thereof have & enjoy all the powers & priviledges that the Inhabitants of other Precincts within this province do or by Law ought to enjoy. [*Passed October 1.*]

## CHAPTER 89.

ORDER ON ELIZ<sup>A</sup> USHER'S PETITION PRAYING THAT A COPY OF AN EXECUTION BE MADE OF SAME FORCE, AS THE ORIGINAL.

A PETITION of M<sup>rs</sup> Eliz<sup>a</sup> Usher Widow & Administ<sup>x</sup> of John Usher late of Charles Town dec<sup>d</sup> Esq<sup>r</sup> Shewing that the s<sup>d</sup> John Usher held the Farm whereof he died seized by Vertue of an Execution Issued on a Judgment of the Superiour Court pass'd in the Year, 1693, against Charles Lidget Esq<sup>r</sup> & the Return thereon, The Original whereof is by some Casualty lost & has never been put upon record; & therefore praying that an Authentick Copy of the s<sup>d</sup> Execution & Return taken out above thirty years since by the then Clerk of the s<sup>d</sup> Court & since sworn unto may be Entred in the Books of the s<sup>d</sup> Superiour Court; & made as effectual in the Law as the Original would be if it could be produced.

Legislative  
Records of the  
Council, xv.,  
170.

House Jour-  
nal, pp. 153, 154.  
*Ante*, p. 177,  
chap. 110.

Read &

*Ordered* that the Prayer of the petition be granted, And that the Copy of the Execution & Return above refer'd to (sign'd & sworn unto by Addington Davenport Esq<sup>r</sup> Clerk of His Majesty's Superiour Court of Judicature at the Time when the s<sup>d</sup> Copy was given out) be & hereby is declared &

*Ordered* to be as valid & effectual to all Intents & Purposes in the Law as the Original Execution & Return would be in Case they could be produced; & it is further

*Ordered* that the s<sup>d</sup> Copy together with the Testimony of the s<sup>d</sup> Addington Davenport be Entered in the records of the s<sup>d</sup> Superiour Court Any Law, Usage or Custom to the Contrary Notwithstanding. [*Passed October 1.*]

## CHAPTER 90.

ORDER GRANTING 400 ACRES OF LAND TO THE TOWN OF LUNENBURG.

A PETITION of Josiah Willard & Edward Hartwell Agents for the Town of Lunenburgh, & Zachariah Fitch Gaurdian to James Kebby a Person non compos, Shewing that two Several Tracts of Land granted formerly by the General Court, have been laid out to y<sup>e</sup> s<sup>d</sup> Kebby or the persons he purchased of, within the present Limits of the Town of Lunenburgh, both amounting to the Quantity of Three Hundred & fifty Acres, That the Proprietors of Lunenburg were entirely ignorant of these Grants when their Town was surveyed, That above Twenty of the Settlers there have made Improvements of the Same, & if they should be removed from thence it would be ruinous to them, And Therefore praying that this Court would grant an Equivalent of Land to the s<sup>d</sup> Kebby upon which his Gaurdian is willing to relinquish his Right in Lunenburgh to the Present Possessors of the said Land. Read & In Answer to this petition,

Legislative  
Records of the  
Council, xv.,  
170.

House Jour-  
nal, pp. 150, 151,  
154. *Ante*,  
p. 548, chap. 20.

*Ordered* that there be allowed and granted to the proprietors of the

Town of Lunenburgh four Hundred Acres of Land to be laid out in two places in any of the unappropriated Lands of this Province (excepting the Land lying on Merrimak River) as an Equivalent for the Two Grants of Land within mentioned, & to enable the said proprietors to perfect an Agreement with the Heirs or legal Representatives of the within named James Kebby respecting his Claims to the s<sup>d</sup> two Grants. And that Plans of the s<sup>d</sup> four Hundred Acres be taken by a Survey<sup>r</sup> & Chain men upon Oath, & returned to this Court within Twelve Months for Confirmation. [*Passed October 1.*]

## CHAPTER 91.

ORDER IMPOWERING THE TREASURER TO SUPPLY CP<sup>t</sup> THOM<sup>s</sup> SMITH'S INDENT OF STORES FOR TRUCK HOUSE AT SACO RIVER.

Legislative  
Records of the  
Council, xv.,  
171.

House Jour-  
nal, pp. 96, 101,  
154.

AN INDENT presented by Cp<sup>t</sup> Thomas Smith of Sundry Stores wanting at the Truck House on Saco River under his Command.

Read &

*Order'd* that M<sup>r</sup> Treasurer be & hereby is directed to Supply the within mentioned Cp<sup>t</sup> Tho<sup>s</sup> Smith with the Articles within mentioned for the Use of the Truck House within mentioned. [*Passed October 1.*]

## CHAPTER 92.

ORDER GRANTING RICH<sup>d</sup> AVERY'S PETITION FOR A LICENCE AS INN-KEEPER AT ROXBURY.

Legislative  
Records of the  
Council, xv.,  
172.

House Jour-  
nal, p. 158.  
Province  
Laws, ii., 415,  
chap. 1.

A PETITION of Richard Avery of Roxbury Inholder, shewing that he has for divers Years had a Licence to keep an Inn or Tavern, & was this Year approved of both by the Justices & Select Men, but by reason of Sickness was prevented of Recognizing at the Time appointed by Law, & therefore praying Liberty to recognize now.

Read &

*Ordered* that the Prayer of this petition be granted. [*Passed October 5.*]

## CHAPTER 93.

ORDER FOR INSTRUCTI<sup>s</sup> TO THE AGENT AB<sup>t</sup> PROVINCE LINES.

Legislative  
Records of the  
Council, xv.,  
172.

Legislative  
Records of the  
Council, xv.,  
143, 163.  
House Jour-  
nal, pp. 145, 159.  
*Ande*, p. 610,  
chap. 73.

In the House of Represent<sup>ves</sup>

*Ordered* that M<sup>r</sup> Speaker M<sup>r</sup> Cook M<sup>r</sup> Wells, M<sup>r</sup> Lynde, M<sup>r</sup> Shove, Cp<sup>t</sup> Foster & M<sup>r</sup> Bysby with such as shall be joined by the Hon<sup>ble</sup> Board be a Comm<sup>tee</sup> to prepare the Draught of a Letter & Instructions to the Agent of this province respecting the boundary Line between this Province & the Province of New Hampshire also to Consider what may be proper to be done with respect to the Inhabitants that border on the Line: As also to prepare the Draught of Instructions to the Agent with respect to the boundary Line between this province & the Colony of Rhode Island & report so soon as may be



In Council Read & Concur'd, & William Duddy Jonathan Remington Thomas Cushing & Ezekiel Lewis Esq<sup>rs</sup> are joined in y<sup>e</sup> Affair. [*Passed October 5.*]

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## CHAPTER 94.

ORDER ON Y<sup>E</sup> PETITION OF PERSONS LIVING NEAR OXFORD, TO BE ERECTED INTO A SEPARATE TOWNSHIP.

ON THE PETITION of Joseph Putney & others proprietors of Land lying near the Town of Oxford, [*ante*, p. 582, chap. 3]

Legislative  
Records of the  
Council, xv.,  
173.

Read &

*Ordered* that y<sup>e</sup> Petitioners serve the Town of Oxford with a Copy of this Petition that so they may shew cause if any they have on the first Fryday of the next meeting of this Court, why the prayer thereof may not be granted. [*Passed October 6.*]

House Jour-  
nal, pp. 3, 160.  
*Ante*, p. 582,  
chap. 3.

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## CHAPTER 95.

ORDER ALLOWING THE CO: TREAS<sup>R</sup> OF PLIM<sup>TH</sup> HIS ACC<sup>T</sup>.

AN ACCOMPT presented by Cp<sup>t</sup> John Dyer Treasurer of the County of Plymouth for the last Year, having been laid before the Justices of the General Sessions of the peace for y<sup>e</sup> s<sup>d</sup> County & by them Allowed:

Legislative  
Records of the  
Council, xv.,  
173.

Read &

*Ordered* that this Accompt be allow'd (<sup>1</sup>except the Article of Twelve Shillings p<sup>d</sup> M<sup>r</sup> John Winslow Clerk for Warrants for a County Tax. [*Passed October 6.*]

House Jour-  
nal, p. 161.

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## CHAPTER 96.

ORDER ON WILL<sup>M</sup> WINTER'S PETITION FOR STAY OF EXECUTION.

A PETITION of William Winter Mariner, Shewing that he brought in his Vessel from Virginia A parcel of Goods wh<sup>ch</sup> were the property of one Harrestoy & as such were attach'd in his hands by one M<sup>rs</sup> Waldron for a Debt owing to her by the s<sup>d</sup> Harrestoy, who recovered Judgment against the s<sup>d</sup> Harrestoy; Since w<sup>ch</sup> One Richard Tucker brought his Action against the petition<sup>r</sup> for the s<sup>d</sup> Goods, & by Reason of the petition<sup>r</sup>s absence & the Neglect of his Attorney, Judgment went against the Petition<sup>r</sup> by default, And he has now brought his Action of Reveiw against the s<sup>d</sup> Tucker, praying that Execution may be Stayed till the Event of his Action of Reveiw aforesaid

Legislative  
Records of the  
Council, xv.,  
163, 174.

House Jour-  
nal, pp. 147, 160.

Read together with the Answer of Rich<sup>d</sup> Tucker and the Same being fully considered,

*Ordered* that the prayer of this petition be granted, Any Law, Usage or Custom to the Contrary notwithstanding. [*Passed October 6.*]

<sup>1</sup> *Sic*, as to mark of parenthesis.

## CHAPTER 97.

ORDER IMPOWERING DANIEL RUSSEL ESQ<sup>R</sup> TO FURNISH STORES FOR LIGHT-HOUSE.

Legislative  
Records of the  
Council, xv.,  
174.

House Jour-  
nal, p. 161.

A MEMORIAL of Daniel Russel Esq<sup>r</sup> Commiss<sup>r</sup> of Impost Shewing that the Keeper of the Light House informs him that the Lighthouse Boat wants a New Cable for Mooring & a new Road the Old ones being worn out, praying the Direction of the Court thereon Read & *Ordered* that Daniel Russel Esq<sup>r</sup> within named be & hereby is directed to Supply the within named Hayes with y<sup>e</sup> Articles within mentioned & Charge the Same in his next Acc<sup>t</sup>. [*Passed October 6.*]

## CHAPTER 98.

ORDER FOR A MEETING IN Y<sup>E</sup> NEW PRECINCT IN ROWLEY.

Legislative  
Records of the  
Council, xv.,  
174.

House Jour-  
nal, p. 153.

*Ordered* that M<sup>r</sup> Benjamin plummer a principal Inhabitant of the New precinct in Rowley be & hereby is fully Authorized & Impowered to Notify & warn the Inhabitants duly qualified to Vote to convene as soon as may be in some publick place in thes<sup>d</sup> precinct to chuse Precinct Officers to stand until the Anniversary Meeting in March next. [*Passed October 6.*<sup>1</sup>]

## CHAPTER 99.

## ORDER ON THE PETITION OF PETER ALLEN FOR AN APPEAL OF AN ACTION AND STAY OF EXECUTION.

Legislative  
Records of the  
Council, xv.,  
176.

House Jour-  
nal, pp. 163, 164.

A PETITION of Peter Allen of Dartmouth in the County of Bristol Shewing that at the Inferiour Court of Common pleas held at Bristol for the s<sup>d</sup> County in July last one Oliver Allen brought his Action against the petition<sup>r</sup> for Fifty pounds & Obtained Judgment from which the Petition<sup>r</sup> appealed to the next Superiour Court for the s<sup>d</sup> County & recognized to prosecute, but thro' y<sup>e</sup> Neglect of his Attorney failed of filing Reasons, by which he has lost the Benefit of his Appeal unless releived by this Court & therefore praying Liberty to prosecute his said Appeal at the next Superiour Court for s<sup>d</sup> County & that Execution may be staid in the mean Time. Read &

*Ordered* that the petitioner serve the Adverse party with a Copy of this petition that so he may shew cause, if any he have on the first Tuesday of the next May Session why the prayer of the petition may not be granted. [*Passed November 4.*]

## CHAPTER 100.

## ORDER ASSESSING THE TOWN OF RAYNHAM £28. 14. 8 AND THE TOWN OF TAUNTON £118.

Legislative  
Records of the  
Council, xv.,  
176.

A PETITION of the Select men of the Town of Taunton Shewing that in the Act for apportioning & Assessing y<sup>e</sup> province Tax last made, the

<sup>1</sup> Adjourned to November 3. See Legislative Records of the Council, xv., 175.

Town of Taunton including the Town of Raynham was Assessed at the Sum of One Hundred & forty Seven pounds ten shillings & eight pence, & that the Treasurer by his Warrant to the Assessors of Taunton has directed them to Assess the whole of s<sup>d</sup> Sum on y<sup>t</sup> Town praying that the s<sup>d</sup> Treasurer may be Ordered to make out his Warrants to the Assessors of each Town to Assess the proportionable parts of s<sup>d</sup> Tax. Read & in Answer to this petition

House Journal, p. 161.  
Province Laws, ii., 609.

*Ordered* that the Treasurer of the province be & hereby is directed to make out & Send his Warrant to the Assessors of the Town of Raynham to Assess the Inhabitants thereof the Sum of Twenty eight pounds fourteen Shillings and eight pence according to the Rules prescribed in the Act pass'd by this Court in their present Session for apportioning & Assessing a Province Tax, as also One other Warrant to the Assessors of y<sup>e</sup> Town of Taunton for the Assessing the Inhabitants of their Town with the Remainder of the within mentioned Sum of One Hundred & eighteen Pounds, the s<sup>d</sup> Act or any other Law Usage or Custom to y<sup>e</sup> Contrary Notwithstanding. [*Passed November 4.*]

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## CHAPTER 101.

### ORDER REFERRING THE PETITION OF JOHN BARTLET &c. TO THE NEXT SESSION.

A PETITION of John Bartlet Tho<sup>s</sup> Bartlet John Ordway & Jos<sup>s</sup> Moulton Inhabitants of Newbury Middle Parish setting forth the Difficulties they are under respecting the place of publick Worship there which is so far distant from them that they cannot conveniently Attend there with their Families & praying that they may have One half of their rates to the Minister there abated, yearly, or that they may be joined to the first Parish in s<sup>d</sup> Town, or have the Meeting House brought nearer to Them or otherwise releived in the premisses Read &

Legislative Records of the Council, xv., 178.

House Journal, p. 167.

*Ordered* that the petition<sup>rs</sup> Serve the the<sup>1</sup> Second or Middle parish of Newbury with a Copy of this petition that so they may shew Cause if any they have on the Second Tuesday of the next Session, why the prayer thereof may not be granted. [*Passed November 6.*]

<sup>1</sup> *Sic.*

## RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE FIRST DAY OF DECEMBER, A.D. 1731.

## CHAPTER 102.

ORDER, GRANTING AN ALLOWANCE OF £800 TO THE AGENT FRANCIS  
WILKS.

Legislative  
Records of the  
Council, xv.,  
186.

House Jour-  
nal, p. 8.

*Ordered* that the Sum of Eight Hundred Pounds be advanced out of the publick Treasury & p<sup>d</sup> to Francis Wilks Esq<sup>r</sup> or his Order in Consideration of his past good Services in the Agency of this Province. [*Passed December 7.*]

## CHAPTER 103.

ORDER, ALLOWING £700 STERL. TO BE SENT TO THE AGENT FRANCIS  
WILKES FOR THE USE OF THE PROVINCE.

Legislative  
Records of the  
Council, xv.,  
187.

House Jour-  
nal, p. 7.

*Ordered* that the Treasurer of the province be & hereby is directed as soon as he conveniently can to purchase Bills of Exchange to the Value of Seven Hundred Pounds Sterling to be put into the Hands of Francis Wilks Esq<sup>r</sup> Agent of this province to be employ'd for their Use, The s<sup>d</sup> Agent to be Accountable for the same. [*Passed December 7.*]

## CHAPTER 104.

RESOLVE FOR MAKING £3,000 IN BILLS.

Legislative  
Records of the  
Council, xv.,  
187.

House Jour-  
nal, p. 13.  
Province  
Laws, x., 273,  
chap. 331.

*Resolved* that the Comm<sup>tee</sup> appointed by this Court for signing Bills of Credit be & hereby are directed as soon as may be to print oft & finish in Bills of Credit on this province the Sum of Three thousand pounds from the plate of the Middle Denomination & sign & deliver the same to the Treasurer of this Province to be Exchanged for torn & defaced Bills, to be burned by the s<sup>d</sup> Comm<sup>tee</sup>, & take the Treasurers Receipt for the same, The Comm<sup>tee</sup> to be paid for their Service as for the Bills last made. [*Passed December 8.*]

## CHAPTER 105.

ORDER ANNEXING LANDS TO OXFORD.

Legislative  
Records of the  
Council, xv.,  
187.

A PETITION of Isaac Learned in behalf of the Town of Oxford. Shewing that Josiah Kingsberry & Theodore Kingsberry live upon a farm adjacent to the s<sup>d</sup> Town of Oxford, & nearer to the Meeting House

there than to any other Meeting House, & are very desirous to be annexed to the s<sup>d</sup> Town, Therefore praying that the s<sup>d</sup> Farm between the South End of Oxford Village & Chaubunnagunganug Pond so running Westward till it comprehends all the s<sup>d</sup> Farm & the Land of the said Isaac Learned lying East of the Road passing from Oxford to Woodstock, be annexed to the said Town of Oxford, the s<sup>d</sup> petition being sign'd by the s<sup>d</sup> Josiah & Theodore Kingsberry, as approv'd by them

House Journal, pp. 11, 12.

Read &

*Ordered* that the petitioners with their Lands within mentioned be & hereby are to all Intents & purposes whatsoever Annexed to the Town of Oxford. [*Passed December 8.*]

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## CHAPTER 106.

ORDER REFERRING YE PETITION OF PROPRT<sup>RS</sup> OF BERWICK TO THE NEXT SESSION.

Legislative Records of the Council, xv., 189.

ON THE PETITION of the Proprietors of Berwick [*ante*, p. 589, chap. 20]

*Ordered* that the Consideration of this petition be refer'd to the Second Wednesday of the next May Session. [*Passed December 10.*]

House Journal, p. 16.  
*Ante*, p. 589, chap. 20.

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## CHAPTER 107.

ORDER ON PETI: OF DAVID POQUECHUS INDIAN FOR LEAVE TO SELL LAND.

A PETITION of David Poquechus of Assawampset in the Town of Middleboro Indian, praying the Leave of this Court for his Selling Eleven Acres & an half of Land he has in the s<sup>d</sup> place, to Enable him to pay for thirty Acres of Land he has purchased, which lies more conveniently

Legislative Records of the Council, xv., 190.

House Journal, p. 13.

Read &

*Ordered* that the Petiti<sup>o</sup>n be & hereby is Impowered (upon publick Notice thereof being given ten Days before hand) to Sell to the highest Bidder the s<sup>d</sup> Eleven Acres & an half of Land, the Produce thereof to be applied for the payment of the purchase Consideration of the thirty Acres within mentioned, And that M<sup>r</sup> Barrow be & hereby is desired & Impowered to Assist the petitioner & see Justice done him, & in Case any Overplus remain to dispose thereof for the Comfort of the Petitioner. [*Passed December 10.*]

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## CHAPTER 108.

ORDER, IMPOWERING THE SELECTMEN OF THE TOWN OF UXBRIDGE TO LEVY A TAX OF ONE PENNY PER ACRE FOR THREE YEARS, ON UNIMPROVED LANDS.

A PETITION of John Harwood Agent for y<sup>e</sup> Town of Uxbridge Shewing that upon the petition of the Selectmen of the s<sup>d</sup> Town this Court did in the Year. 1728. pass an Order for Taxing the unimprov'd Lands of the Non Resident proprietors at one penny an Acre p<sup>a</sup> Annum towards defraying the Ministerial Charges there for the Space of three Years,

Legislative Records of the Council, xv., 190.

House Journal, p. 18.  
*Ante*, p. 304,

chap. 14; p. 361,  
chap. 180.

And for as much as that Time is now Expired & the same reasons for granting that Tax do still remain, viz. the Fewness & poverty of the Inhabitants, the Benefit the Non Residents have by their Lands rising in Value & there being a Considerable Number of Quakers among them who pay Nothing for the Support of the Ministry. Therefore praying that the s<sup>d</sup> Town may be Enabled to raise the like Tax for the Support of the Ministry there for such Term as this Court shall Judge proper. Read &

*Ordered* that the Select Men for the Time being of the Town of Uxbridge be & hereby are Impowered & Authorized for & during the Space of three Years next to Come to raise a Tax of one penny p Acre on the unimproved Lands, lying within the s<sup>d</sup> Town, belonging to Nonresident Proprietors, to be appropriated for & towards the de-fraying the Ministerial Charges there. [*Passed December 11.*]

## CHAPTER 109.

ORDER ON Y<sup>e</sup> REPORT OF THE COMMITTEE ON THE LINE BETW<sup>x</sup> NORTH TOWN & DUNSTABLE AND AUTHORIZING THE PAYMENT BY NORTH TOWN OF £32. 2 EXPENSES.

Legislative  
Records of the  
Council, xv.,  
191.

House Jour-  
nal, p. 22.  
*Ante*, p. 556,  
chap. 42.

THE COMM<sup>TEE</sup> appointed by the Great & General Court on the 26. of Feb<sup>y</sup> 1730. to take a survey of the Line between the North Town in Turkey Hills & Dunstable, & to make report Whether the plan of the s<sup>d</sup> North Town encroaches upon The Town of Dunstable according to its true & allowed Bounds, & what Quantity of Land it takes off from it, And also to make Enquiry how far the Grantees of the said North Town have fulfilled the Conditions of their Grant & what Settlements are there made & to make Report; Having (pursuant to said Order) repaired to s<sup>d</sup> North Town (after due Notice given to all concern'd of the Time of Our Coming) & having carefully surveyed the Line afores'd & fully heard the parties thereon, are humbly of Opinion that the before mentioned plan of North Town encroaches upon the Town of Dunstable, so as to take off from it fourscore Acres of Land, according to w<sup>t</sup> we Apprehend to be the true & allowed Bounds of said Town; Having also carefully Veiwed the Settlements in s<sup>d</sup> North Town, & made Inquiry how far the Grantees have fulfilled the Conditions of their Grant We find that considerable Improvements have been made on the Lands there, And that the greater Number of the Grantees (besides a Convenient House which they have lately erected for the publick Worship of God in s<sup>d</sup> Town) have fulfilled the Conditions of their Grant by Breaking up & fencing their Lands, by building Convenient Dwelling Houses on their Lotts & by residing there

SAM<sup>LL</sup> DANFORTH in y<sup>e</sup> Name & by Order of y<sup>e</sup> Committee

In Council; Read &

*Ordered* that this report be accepted & that the Acc<sup>t</sup> of the Comm<sup>tees</sup> Time & Expence, amounting to the Sum of Thirty two pounds two Shillings be allowed & that it be paid by the proprietors of the North Town In the House of Represent<sup>ves</sup> Read & Concur'd with the Amendm<sup>t</sup> Viz<sup>t</sup> deducting five Shillings a Day from Each of the Committees.

In Council; Read & Concur'd. [*Passed December 14.*]

## CHAPTER 110.

## ORDER ON THE PETITION OF THOMAS HALE DIRECTING THE COLLECTION AND PAYMENT OF TAXES IN NEWBURY.

A PETITION of Thomas Hale Agent for the second parish in the Town of Newbury Shewing that by Order of the Court at their Session in May last, Eighty Families of the s<sup>d</sup> parish were set off to an other Precinct in s<sup>d</sup> Town, at which Time Six Months & twelve days Salary were due to the Rev<sup>d</sup> Mr Tufts their Minister, And for as much as y<sup>e</sup> said Precinct are not by Law Impowered to Levy any Tax on those that are Separated from them, Therefore praying the Assistance of this Court for their Levying & Collecting the Ministerial Tax on the Eighty Families before mentioned to the Time of their being Separated from them

Read & in Answer to this petition

*Ordered* that the Second Parish in Newbury be & hereby is directed to Committ the Assessment by them made on the Inhabitants of the Parish sett off from them in June last, for their rateable part of the half Years Salary, within mentioned unto the Collector or Collectors of the s<sup>d</sup> Second Parish who are hereby also directed & Impowered forthwith to proceed to Collect y<sup>e</sup> same & pay it according to the Directions in their respective Warrants. [*Passed December 15.*]

Legislative  
Records of the  
Council, xv.,  
192.

House Jour-  
nal, pp. 21, 22.  
*Ante*, p. 583,  
chap. 6.

## CHAPTER 111.

## ORDER IMPOWERING THE SELECTMEN OF THE TOWN OF LUNENBURG TO LEVY AND COLLECT ANNUALLY FOR THREE YEARS, A TAX OF ONE PENNY PER ACRE ON UNIMPROVED LANDS.

A PETITION of Isaac Farnsworth Agent for the Town of Lunenburg Setting forth that upon a former Petition of the s<sup>d</sup> Town the General Court were pleased to Impower them to lay a Tax of one penny p<sup>r</sup> Acre p<sup>r</sup> Annum on the unimprov<sup>d</sup> Lands in said Town for three Years, the s<sup>d</sup> Term is now Expired & forasmuch as the Town doth still stand in need of the Assistance granted them by this Tax for the Maintenance of their Minister (the Use to which it was appropriated) as also for the Support of a School Master, they being still in low Circumstances, Therefore praying that they may be impowered to lay the like Tax for three Years next coming for the Support of their Minister & a School Master, & that the Court would bestow on them the Province Laws for their Direction & Guidance in the Affairs of their Town

Read & in Answer to this Petition

*Ordered* that the Select Men for the Time being of the Town of Lunenburg be & hereby are fully Authorized & Impowered Annually for the space of three Years next to Come, to Assess the Unimproved Lands within y<sup>e</sup> s<sup>d</sup> Town belonging as well to y<sup>e</sup> Inhabitants as to the Non resid<sup>ts</sup> prop<sup>rs</sup> thereof at one penny p<sup>r</sup> Acre for & towards defraying the Charges mentioned in this petition, & y<sup>t</sup> the s<sup>d</sup> Town be suppli<sup>d</sup> with a Law Book at y<sup>e</sup> Charge of y<sup>e</sup> province, Any Law, Usage or Custom to y<sup>e</sup> Contrary Notwithstanding. [*Passed December 16.*]

Legislative  
Records of the  
Council, xv.,  
194.

House Jour-  
nal, p. 23.  
*Ante*, p. 372,  
chap. 211.

## CHAPTER 112.

Legislative  
Records of the  
Council, xv.,  
135.

House Jour-  
nal, p. 25.  
*Ante*, p. 564,  
chap. 58; p. 626,  
chap. 109.

ORDER FOR REFERRING TO THE NEXT SESSION THE PLAT OF NORTH TOWN, AND THE REPORT OF THE COMMITTEE ON HATHORNS FARM.

*Ordered* that the further Consideration of the plat of the North Town of Turkey Hills & of the Report of the Committee referring to Hathorn's Farm, be referred to the Session of the General Court in May next. [*Passed December 17.*]

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## CHAPTER 113.

RESOLVE ADMITTING FREE OF TUNNAGE DUES VESSELS FROM ACCADA AND NOVA SCOTIA.

Legislative  
Records of the  
Council, xv.,  
196.

House Jour-  
nal, p. 26.  
Province  
Laws, ii., 559,  
chap. 6; ix.,  
304, chap. 66;  
673, chap. 57.

A MEMORIAL of William Clark Esq<sup>r</sup> & of Daniel Russel Esq<sup>r</sup> Impost Officer. Shewing that there is some Difficulty to Explain the Impost Act as to the Article of the Tunnage so as to Determine whether the Vessels belonging to Nova Scotia are liable to pay the s<sup>d</sup> Duty. Praying the Directions of this Court to the s<sup>d</sup> Impost Officer by which he may be Determined in his practice on the s<sup>d</sup> Law. Read &

*Resolved* that it was never Intended that any Ships or Vessels coming from Accady or Nova Scotia into any other port or ports within this province should be Subjected to the Duty of Tunnage. [*Passed December 17.*]

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## CHAPTER 114.

ORDER ON PETITI: OF JOHN ALLEN ESQ<sup>r</sup> PRAYING FOR LIBERTY TO REVIVE AN APPEAL.

Legislative  
Records of the  
Council, xv.,  
111, 196.

House Jour-  
nal, p. 165  
(Aug., 1731);  
p. 27.

A PETITION of John Allen of Chilmark in Dukes County Esq<sup>r</sup> shewing that by reason of the Neglect or Mistake of his Attorney he failed of prosecuting his Appeal at the Superiour Court for the County of Suffolk in January, 1729. against one Philip Jones of Boston praying that He may be enabled by an Order of this Court to reveiw the said Action at the next Superiour Court.

Read, & it appearing that the adverse party has been served with a Copy of this Petition

*Ordered* y<sup>t</sup> the prayer thereof be granted, any Law, usage or Custom to the Contrary Notwithstanding. [*Passed December 17.*]

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## CHAPTER 115.

ORDER ON EBE<sup>r</sup> THORNTON'S PETITION IMPOWERING HIM TO BRING AN ACTION IN THE NAME OF ANOTHER PERSON.

Legislative  
Records of the  
Council, xv.,  
193, 197.

A PETITION of Ebenezer Thornton of Boston Shipwright. Shewing that upon his former Petition to this Court. Praying that the Sum of Seventy pounds recovered against him by John Seabury of Connect-



ient might be stop'd in the Hands of the s<sup>d</sup> Seaberry's Attorney to wait the Event of an Action the Petition<sup>r</sup> purposed to bring against the s<sup>d</sup> Seaberry for breach of the Articles of Agreement, the Court were pleased to Grant the prayer of the s<sup>d</sup> Petition Provided the Petition<sup>r</sup> should bring his Action to the next Inferiour Court of Common pleas to be held at Boston in January next, But for as much as the s<sup>d</sup> Articles were not Executed by the Petition<sup>r</sup> personally, but by Ebenezer Everet, who acted therein as Attorney to the Petition<sup>r</sup> Therefore praying that the s<sup>d</sup> Action may be brought in the Name of the s<sup>d</sup> Ebenezer Everet.

Read &

*Ordered* that the prayer of the petition be granted, And that the Action within referr'd to be brought in the Name of the within mentioned Ebenezer Everet, The Order on y<sup>e</sup> petition<sup>r</sup>s former petition Notwithstanding. [*Passed December 21.*]

House Journal, pp. 22, 23, 29. *Ante*, p. 617, chap. 87.

## CHAPTER 116.

ORDER ON PETITI<sup>o</sup> OF Y<sup>e</sup> PROP<sup>tes</sup> OF LAND NEAR OXFORD FOR LEAVE TO PAY THEIR TAXES IN OXFORD.

ON THE PETITION of Joseph Putnam<sup>1</sup> & others Propriet<sup>rs</sup> of Lands near Oxford, [*ante*, p. 582, chap. 3] In Council Read together with the Answer of the Town of Oxford, & the same being fully considered,

Legislative Records of the Council, xv., 197.

*Ordered* that the Prayer of the Petition be granted, & that the petitioners have Leave to bring [in]<sup>2</sup> a Bill accordingly

House Journal, pp. 11, 30. *Ante*, p. 582, chap. 3.

In the House of Represent<sup>ves</sup> Read & Concur'd, & that provision be made in the s<sup>d</sup> Bill that such of the Petition<sup>rs</sup> Lands & Estates as belong to the Town of Oxford pay their Taxes for the Support of the Ministry there

In Council Read & Concur'd. [*Passed December 21.*]

## CHAPTER 117.

ORDER ON THE PETITI<sup>o</sup> OF JON<sup>a</sup> PARKER &c. PRAYING THAT LANDS BE ADDED TO THE NORTH PRECINCT IN READING.

A PETITION of Jonathan Parker & others Agents for the North Parish in Reading Shewing that the number of their Inhabitants are Small & their Estates very moderate, so that they were but barely Able to Support their Minister when they were kept entire, & much less are they now able since the taking off so many Families from them at the making of the Town of Wilmington, And therefore praying that divers Families (particularly mentioned) with their Estates in the Towns of Lynn & Andover & in the other Parish in Reading may be added to them.

Legislative Records of the Council, xv., 199.

House Journal, p. 34.

Read &

*Ordered* that the Petitioners serve the Town of Reading & Andover & the North Parish in Lynn with Copies of this Petition that so they may shew cause if any they Have on the first Tuesday of the next May Session why the prayer thereof should not be granted. [*Passed December 22.*]

<sup>1</sup> "Putney," in the House Journal.

<sup>2</sup> Inserted from the State Library copy, Legislative Records of the Council, xv., 197.

## CHAPTER 118.

ORDER ON AMESBURY PETITION PRAYING FOR A RENEWAL OF A GRANT FOR THE FERRY OVER THE MERRIMAC RIVER.

Legislative  
Records of the  
Council, xv.,  
201.  
House Jour-  
nal, p. 35.

A PETITION of the Select men of the Town of Amesbury, setting forth that the ferry in that Town over Merrimack River was granted to y<sup>e</sup> s<sup>d</sup> Town by the Great & General Court, Provided the County have the Approbation of the Ferrymen, & the Rates for Ferryage, That one Humphry Hook is got into the s<sup>d</sup> Ferry, & manages so as is greatly to the Hurt of y<sup>e</sup> s<sup>d</sup> Town, & to the province in General, & therefore praying that this Court would renew the Grant of the s<sup>d</sup> Ferry to Amesbury

Read &

*Ordered* that the petition<sup>rs</sup> serve the adverse party with a Copy of this Petition that so he may shew cause if any he have, on the Second Tuesday of the next May Session, Why the prayer thereof may not be granted.<sup>1</sup> [*Passed December 24.*]

## CHAPTER 119.

ORDER ALLOWING £22. 4 TO THE TOWN OF HADLEY.

Legislative  
Records of the  
Council, xv.,  
206.  
House Jour-  
nal, p. 33.  
Province  
Laws, ii., 608.

A PETITION of M<sup>r</sup> John Rash<sup>2</sup> Representative of the Town of Hadley Shewing that in the last Tax Act the s<sup>d</sup> Town is by Mistake taxed in the Sum of Forty Seven Pounds fourteen Shillings for the paym<sup>t</sup> of their Representative the last Year, whereas he received but Twenty five pounds ten shillings praying that the s<sup>d</sup> Town may be Allowed the remaining sum of Twenty two pounds four Shillings out of the Treasury

Read &

*Ordered* that the Treasurer of this Province be & hereby he is directed to Allow the Town of Hadly the Sum of Twenty two pounds four Shillings being so much overcharged in the Year cur<sup>t</sup> for the pay of their Representative in the last Year. [*Passed December 29.*]

## CHAPTER 120.

ORDER AB<sup>t</sup> LANDS AT BRIMFIELD.

Legislative  
Records of the  
Council, xv.,  
206. Mass.  
Archives,  
cxiv., 98.  
House Jour-  
nal, pp. 31, 38,  
42. *Ante*,  
p. 392, chap. 27.

WHEREAS an Order pass'd this Court in their last Session Granting to several Persons Inhabitants of the Town of Brimfield viz<sup>t</sup> Nathanael Hitchcock Ebenezer Graves David Hitchcock Benja Cooley Leonard Hoar John Sherman, David Morgan Nathanael Collins Jun<sup>r</sup> Stebbins William Nelson & John Charles a Lot a peice for themselves & one Lot to one Son of Each of the s<sup>d</sup> Grantees, & its not being mentioned, in the s<sup>d</sup> Order which Son should have the s<sup>d</sup> Lot, And it being necessary that the same should be determined

*Resolved* That the Parents viz<sup>t</sup> the s<sup>d</sup> Grantees have and hereby are impowered and authorized to determine which of their Sons shall hold Use occupy and enjoy the Grant made as aforesaid, and enter such their Determination in the Proprietors Book and the Clerk of the Proprietors

<sup>1</sup> This petition was dismissed June 13, 1732. See House Journal, p. 22.

<sup>2</sup> The House Journal reads, "*Nash*," also the Legislative List, *ante*, p. 578.

is hereby directed to enter the same therein. Always provided that the Conditions of the said Grants be in every respect complied with Notwithstanding such Division or Determination of the Parent. [*Passed December 30.*]

## CHAPTER 121.

### ORDER ACCEPTING THE REPORT AB<sup>T</sup> Y<sup>E</sup> MEETING HOUSE WOBURN NEW PRECINCT.

THE COMM<sup>TEE</sup> appointed by the General Court. June. y<sup>e</sup> 16. 1731. upon the Memorial & Representation of James Symonds & James Procter on behalf & by Direction of the Inhabtants of the second precinct in Woburn, praying for a Comm<sup>tee</sup> to Veiw the Land, & determine & fix the most sutable place for Erecting a Meeting House for the publick Worship of God in s<sup>d</sup> precinct; having veiued the same & Heard all parties concerned, Report that in their Opinion the most proper place to Erect their Meeting House on is at a Heap of Stones in M<sup>r</sup> Benjamin Johnson's Land placed by the Comm<sup>tee</sup> four Poles distant from the Center of the precinct Southeasterly; The s<sup>d</sup> Johnson declared to the Comm<sup>tee</sup> he was willing to have the Meeting House set there, W<sup>ch</sup> is humbly Submitted

Legislative  
Records of the  
Council, xv.,  
207.

House Jour-  
nal, p. 41.  
*Ante*, p. 588,  
chap. 18.

In the Name & by Order of the Comm<sup>tee</sup> SPENCER PHIPPS.

Read &

*Ordered* that this Report be Accepted, and that the Inhabitants of the Precinct above mentioned Do with all convenient Speed Erect a House for the publick Worship of God accordingly, first having obtained a legal Deed of Conveyance of a Sufficiency of Land therefor. [*Passed December 30.*]

## CHAPTER 122.

### ORDER APPOINTING COUNSEL FOR DISTRESSED PALATINES.

A PETITION of Phillip Bongarden in behalf of divers distressed Palatines lately arrived at Martha's Vineyard from Holland in the Ship loving Unity of Falmouth Jacob Lobb master, complaining of the cruel & Inhuman Usage they have had from the s<sup>d</sup> Master, by means of w<sup>ch</sup> One Hundred of their Company are already dead & the survivors in a very sick & languishing Condition, wanting all necessities of Life but what they receive from the Charity of the People of Martha's Vineyard; praying that the Master may be obliged to fulfill his Contract by carrying them to Philadelphia where they were bound, & that they may have such other Releif as this Court in their great Goodness shall judge fit

Legislative  
Records of the  
Council, xv.,  
208.

House Jour-  
nal, pp. 42, 43.

Read &

*Ordered* that W<sup>m</sup> Shirley Esq<sup>r</sup> be desired to be of Council to Philip Bongarden & Assist him in seeking Releif for the palatines (in whose behalf he Appears) in the legal & customary Way in such Cases. [*Passed December 31.*]

## CHAPTER 123.

ORDER CONFIRMING A PLAT OF 500 ACRES LAND TO SAMUEL PATRIDGE.

Legislative  
Records of the  
Council, xv.,  
209. Maps and  
Plans, Mis.,  
vii., 10.

Maps and  
Plans, Mis.,  
vii., 10.  
House Jour-  
nal, p. 49.  
Province  
Laws, x., 678,  
chap. 284.

A PLAT of five hundred Acres of Land granted by the General Court in Novem<sup>r</sup> 1725 to Samuel Partridge Esq<sup>r</sup> Surveyed by Benjamin Flagg & two Chainmen on Oath lying in the County of Hampshire near & adjoining to Podaquoduck Hill the first Angle being a Crotch White Oak from thence running West thirty Degrees North two hundred & twelve Rods, to a small pine mark'd & standing near or adjoining to M<sup>r</sup> John Read's Farm called the equivalent Land, from thence running South thirty Degrees West three hundred & Eighty Rods to a heap of Stones, from thence East thirty Degrees, South two hundred & twelve rods to a Small Walnut Tree & Stones, from thence on a straight line to the Oak first mentioned Read &

*Ordered* That the Land within delineated and described be and hereby is confirmed unto the within named Samuel Partridge Esq<sup>r</sup> his heirs and assigns forever Provided it exceeds not the Quantity of five hund<sup>d</sup> Acres nor interfere with any other or former Grant. [*Passed January 4.*]

## CHAPTER 124.

ORDER REFERRING JOS<sup>a</sup> LEONARD &c. PETI<sup>o</sup> FOR A REMISSION OF MINISTERS RATES TO THE NEXT SESSION.

Legislative  
Records of the  
Council, xv.,  
211.

House Jour-  
nal, p. 49.

A PETITION of Josiah Leonard & thirty six others Inhabitants of the Springfield living on the Southerly Side of Agawam River setting forth their great Difficulties in Attending the publick worship of God at their Parish Meeting House more especially in the Winter Season when the s<sup>d</sup> River is much Swell'd with the Rains or frozen over so that it is often unpassable And therefore praying that the one half of their Rate for supporting the Minister in the Precinct on the West Side of Connecticut River in Springfield (to which the Petition<sup>rs</sup> belong) may be remitted to them that so they may be enabled to Support a Minister among themselves for one half of the Year. Read &

*Order'd* that the Petition<sup>rs</sup> serve the West Precinct with a Copy of this Petition that so they may shew cause if any they have, on the Second Tuesday of the next Session why y<sup>e</sup> prayer thereof may no<sup>t</sup> be granted. [*Passed January 5.*]

## CHAPTER 125.

ORDER ON JAMES DARLINGS PETI<sup>o</sup> FOR LEAVE TO MARRY.

Legislative  
Records of the  
Council, xv.,  
211.

House Jour-  
nal, pp. 52, 53.

A PETITION of James Darling of Marblehead Shoreman shewing that in the Month of February. 1729/30. William Crnst<sup>2</sup> went out in a schooner upon a fishing Voyage in Company with Nicholas Waltham Skipper & others, & some Time in March following they were seen upon the Ground well fished<sup>1</sup> & a few days after happen'd a Great Storm since when they have never been heard of, but much

<sup>1</sup> *Sic.*

<sup>2</sup> "Cruff," in the State Library copy, Legislative Records of the Council, xv., 211.

Wreck seen ab<sup>t</sup> the place where they fished & some things taken up with the mark of the Owners of the s<sup>d</sup> Schooner, And for as much as it is highly probable that the s<sup>d</sup> Schooner & Company are wholly lost, therefore praying that Mary Crust relict of the s<sup>d</sup> Will<sup>m</sup> Crust may be declared to be a Single woman, & the petitio<sup>r</sup> have Licence to Enter into a State of Marriage with her.

Read &

*Ordered* that the prayer of the Petition be so far granted as that the s<sup>d</sup> Mary Crust be & hereby is declared to be a Single woman & have Liberty to marry accordingly, Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed January 5.*]

## CHAPTER 126.

ORDER ON STEP<sup>N</sup> GREENLEAF PETITION FOR A GRANT OF 200 ACRES OF LAND.

A PETITION of Stephen Greenleaf of Newbury, setting forth his great Service in the Wars against the Indians at divers Times & the Wounds he rec<sup>d</sup> & the Dangers he incur<sup>d</sup> thereby, for all which he has not yet had any Consideration from the Publick & therefore praying that this Court would Grant him some of the unappropriated Lands of this province

Legislative  
Records of the  
Council, xv.,  
214.

House Jour-  
nal, p. 54.

Read & in Answer to this Petition

*Ordered* that the Petitio<sup>r</sup> be & hereby is impowered by a Survey<sup>r</sup> & Chain Men under Oath to lay out Two Hundred Acres of Land in some of the unappropriated Land within this Province so as not to prejudice the laying out any Township, & return a Plat thereof to this Court for Confirmation within twelve Months. [*Passed January 7.*]

## CHAPTER 127.

ORDER ON PET<sup>N</sup> OF SAM<sup>L</sup> & JOHN BANNISTER FOR LEAVE TO FILE A COMPLAINT.

A PETITION of Samuel Banister & John Banister of Marblehead in the County of Essex, Shewing that they recover<sup>d</sup> Judgment at the Inferiour Court of Common Pleas for the s<sup>d</sup> County in March last, against John Craft of Marblehead afores<sup>d</sup> for £34. 7 & Cost, from which the s<sup>d</sup> Craft appealed to the then next Superiour Court, where he failed of prosecuting his Appeal & the petition<sup>r</sup> John being confin<sup>d</sup> by sickness, the Petition<sup>rs</sup> forgot to file their Complaint in the s<sup>d</sup> Court for Obtaining Confirmation of the Judgm<sup>t</sup> afores<sup>d</sup> And therefore praying that they may be allowed to file their Complaint at the next Superiour Court for the s<sup>d</sup> County.

Legislative  
Records of the  
Council, xv.,  
215.

House Jour-  
nal, pp. 45, 58.

Read & it appearing that the adverse party has been duly served with a Copy of this Petition;

*Ordered* that the Petitioners have Liberty to file their Complaint within mentioned gainst John Craft at the next Superiour Court of Judicature to be holden in & for the County of Essex in Order to their obtaining a Confirmation of the Judgm<sup>t</sup> of the Inferiour Court of Common Pleas for the s<sup>d</sup> County within refer<sup>d</sup> to, & the Justices of the s<sup>d</sup> Superiour Court are directed & Impowered to proceed on the s<sup>d</sup> Complaint accordingly, The Petitioners to notify the said John

Craft of this Order at least fourteen days before the sitting of the s<sup>d</sup> Court; Any Law; Usage or Custom to the Contrary Notwithstanding. [*Passed January 11.*]

## CHAPTER 128.

ORDER OF NOTICE ON THE PETITION OF STEPH<sup>s</sup> & JEMIMA DAVID, INDIANS, FOR LEAVE TO SELL LAND TO PAY DEBTS.

Legislative  
Records of the  
Council, xv.,  
217.

Legislative  
Records of the  
Council, xv.,  
178. House  
Journal, p. 54.  
*Ante*, p. 604,  
chap. 58.

A PETITION of Stephen & Jemima David of Middleborô Indians Shewing that they have a Considerable Tract of Land in the s<sup>d</sup> Town which they are not able to Improve & praying that they may be Impowered to Sell two peices of the s<sup>d</sup> Land for paying Debts contracted by their Sickness & for purchasing Cattle & other necessities for their Comfort In the House of Represent<sup>ves</sup> Read &

*Ordered* that the prayer of the Petition be granted & that the Petition<sup>rs</sup> (upon publick notice thereof being Given ten Days before hand) be & hereby are Impowered to Sell to the highest Bidder the two peices of Land within mentioned, The Produce thereof to be applied & Disposed of for the purposes within mentioned, And that M<sup>r</sup> Samuel Barrow with such as shall be joined by the Hon<sup>ble</sup> Board be & hereby are desired & Impowered to Assist the Petitioners & see Justice done them & in Case any Overplus remain to Dispose thereof for the Comfort of the Petition<sup>rs</sup> In Council Read & Concen<sup>d</sup> & Josiah Cotton Esq<sup>r</sup> is joined in the Affair. [*Passed January 11.*]

## CHAPTER 129.

ORDER ON THE PETITION OF SAMUEL BARKER FOR A FERRY.

Legislative  
Records of the  
Council, xv.,  
217.

House Jour-  
nal, pp. 49, 50,  
53, 56.

A PETITION of Samuel Barker of Falmouth in the County of Barnstable shewing that by a Licence obtained from the Justices of the s<sup>d</sup> County of Barnstable as also of Duke's County has kept the Ferry between the s<sup>d</sup> Town of Falmouth & Martha's Vineyard & has Expended a Considerable Sum for making the s<sup>d</sup> Ferry more commodious, but the Way to the s<sup>d</sup> ferry is much Incumbered by Bars & Fences to the great Obstruction of the said Ferry, Praying for an Order of this Court for Establishing the s<sup>d</sup> Ferry & for removing the Incumbrances abovementioned Read &

*Ordered* that the prayer of this Petition be so far granted as that a Ferry be kept at the place proposed by the petitio<sup>r</sup> And that it be recommended to His Majesty's Justices of the General Sessions of the peace for s<sup>d</sup> County of Barnstable to take due Care that a suitable Way be laid out to the Same. [*Passed January 11.*]

## CHAPTER 130.

ORDER IMPOWERING ELIZ<sup>a</sup> CARTER AS EXECUTRIX TO SELL LAND TO PAY DEBTS.

Legislative  
Records of the  
Council, xv.,  
218.

A PETITION of Eliz<sup>a</sup> Carter of the Colony of Rhode Island, Sister of Thom<sup>s</sup> Carter late of Rehoboth in the County of Bristol dec<sup>d</sup> & Execut<sup>s</sup> of his last Will & Testament, Shewing that He devised to the petition<sup>r</sup>

his Estate in the s<sup>d</sup> Town, That she has proved the s<sup>d</sup> Will & Administer'd upon it, but for as much as the Debts due from the s<sup>d</sup> Estate amount to much more than the personal Estate, & the Estate is charged with the Maintenance of the Petiti<sup>o</sup>s Mother, Therefore praying that she may be Impowered by an Order of this Court to Sell the whole of the Real Estate above mentioned for paying the Debts thereon Read &

House Journal, pp. 50, 58.

*Ordered* that the prayer of the Petition be granted & that the petition<sup>r</sup> be & hereby is Impowered in her s<sup>d</sup> Capacity to make Sale of the whole of the s<sup>d</sup> deceased's Estate, She attending the Law of this Province Impowering Executors & Administ<sup>rs</sup> to Sell Land & other real Estate, & giving sufficient Security to the Judge of Probate for the County of Bristol to accompt therefor & that the Overplus if any there be after her Decease, be returned to the Heirs of her Brother Tho<sup>s</sup> Carter deceased. [*Passed January 11.*]

## CHAPTER 131.

### ORDER REFERRING THE PETITION OF THE SETTLERS OF NORTH YARMOUTH TO THE NEXT SESSION.

A PETITION of Barnabas Winslow & others Propriet<sup>rs</sup> & Settlers of the Town of North Yarmouth shewing that the Petition<sup>rs</sup> have performed the Conditions directed to<sup>1</sup> by the Governm<sup>t</sup> for holding their Lotts in the s<sup>d</sup> Town having built Houses & cleared Land in s<sup>d</sup> place & settled their Familis there & been at great Charge in building a Meeting House settling a Minister &c. That many Persons that have taken Lotts there have not performed the s<sup>d</sup> Conditions by which means the Expences for the Benefit of the s<sup>d</sup> Town fall much heavier upon the Petiti<sup>o</sup> than they would do if all the proprietors had done their Duty, & for as much as the Petitioners find great Disadvantages on these & other Acc<sup>ts</sup>, by their not having the powers of a Township, And therefore praying that they may be constituted a Township to all Intents & purposes whatsoever Read &

Legislative Records of the Council, xv., 219.

House Journal, pp. 61, 62, 73. *Ante*, p. 421, chap. 36. *Infra*, chap. 132.

*Ordered* that the Comm<sup>tee</sup> appointed to Settle the Town of North Yarmouth be & hereby are directed to prepare an Accompt of their proceedings in that Affair. & lay the Same before this Court on Tuesday next, If then Sitting, If not, on the second Tuesday of next Session. [*Passed January 13.*]

## CHAPTER 132.

### ORDER REFERRING THE PETITION OF JOHN POWELL & OTHERS TO THE NEXT SESSION.

A PETITION of John Powell & others Proprietors of North Yarmouth complaining of the unjust proceedings of the Settlers there who refuse to divide the Common Lands in s<sup>d</sup> place among the propriet<sup>rs</sup>, & have received Strangers among them & granted away Land to such as have no right thereto & have neglected to finish the Meeting House & do other things to<sup>1</sup> which they are obliged to do as the Conditions of their Grants, And praying that this Court would Establish the Bonds of y<sup>c</sup> said Town And that this Court would Order the Dividing the Common Lands among the Propriet<sup>rs</sup> & that the Persons intrusted with the Building of the Meeting House & Collecting the Taxes for the same

Legislative Records of the Council, xv., 219.

House Journal, pp. 61, 62, 73. *Supra*, chap. 131.

lay their Accompts before this Court y<sup>t</sup> other Greivances may be redress'd, And that North Yarmouth may be fully constituted a Township & have all the powers & priviledges of a Town

Read &

*Ordered* that the Comm<sup>tee</sup> appointed to Settle the Town of North Yarmouth be & hereby are directed to prepare an Accompt of their proceedings in that Affair & lay the same before this Court on Tuesday next, if then sitting, if not on the Second Tuesday of the next Session. [*Passed January 13.*]

## CHAPTER 133.

ORDER OF NOTICE ON DAN<sup>L</sup> BAGGS PETITION FOR A REVIEW OF AN ACTION AND STAY OF EXECUTION, REFERRED TO THE NEXT SESSION.

Legislative  
Records of the  
Council, xv.,  
223.

House Jour-  
nal, p. 60.

A PETITION of Daniel Bagg of Westfeild in the County of Hampshire Shewing that Mary Williams of that Town brought her Action of the Case against the Petiti<sup>o</sup>n at the Inferiour Court of Common pleas for the Cunt<sup>y</sup> afores<sup>d</sup> held in August last, where she obtained Judgm<sup>t</sup> by Default against the petition<sup>r</sup> But for as much as the Petition<sup>rs</sup> Default was occasioned by the s<sup>d</sup> Mary Williams, pretending to refer the Matters in Difference to Indifferent persons & appointing the petition<sup>r</sup> to meet her at Westfeild for that purpose on the first Day of the Courts Sitting, & the Petition<sup>rs</sup> Attendance there accordingly, Therefore praying that the petition<sup>r</sup> may have a fair Trial of the s<sup>d</sup> Cause by a Jury & that Execution may be stayed in the Mean Time Read &

*Ordered* that the Petition<sup>r</sup> Serve the Adverse party with a Copy of this petition, that so She may shew Cause if any she hath on the Second Tuesday of the next Session, why the prayer thereof may not be granted, & Execution of the Judgm<sup>t</sup> within mentioned be stayed in the mean Time. [*Passed January 18.*]

## CHAPTER 134.

ORDER ON PETITION OF PETER NOWELL & OTHERS OF YORK FOR A PRECINCT.

Legislative  
Records of the  
Council, xv.,  
226.

House Jour-  
nal, pp. 72, 73.

A PETITION of Peter Nowell & others Inhabitants of the West part of the Town of York, Shewing that being put to Great Difficulty to attend the publick Worship of God at the Old Meeting House there, they applied to y<sup>e</sup> Town for Leave to be Set off a distinct precinct by certain Bounds in y<sup>r</sup> petition mentioned, W<sup>ch</sup> the Town granted, & the Petiti<sup>o</sup>ns have Erected a Meeting house for y<sup>e</sup> publick Worship of God & called a Minister to settle among them therefore praying for an Order from this Court confirming y<sup>e</sup> Vote of y<sup>e</sup> said Town for setting them off a separate precinct by the bounds therein mentioned. Read &

*Ordered* that the prayer of the petition be granted, & that those of the Inhabitants of y<sup>e</sup> Town within mentioned with their Estates above or to the North West of the Mill Creek & to the South west of York River, & on the north east side of the s<sup>d</sup> River above or to the north-west of Bass Cove & so a strait Line from Cap<sup>t</sup> Cames Grist Mill to y<sup>e</sup> middle Point between Baker's Spring & the marked Trees at the Com<sup>m</sup>ty in the Bounds between Wells & York be & hereby are Erected in to



a separate & distinct precinct & that they have & enjoy all the powers & privileges that y<sup>e</sup> Inhabitants of other Precincts in this Province do or by Law ought to Enjoy And that M<sup>r</sup> Peter Nowell a principal Inhabitant of y<sup>e</sup> s<sup>d</sup> precinct be & hereby is Authorized & Impowered to Notify & warn these Inhabitants thereof duly qualified to vote to Convene as soon as may be in some publick place there to Chuse Precinct Officers to Stand until the Anniversary Meeting in March next. [*Passed January 19.*]

## CHAPTER 135.

### ORDER ON M<sup>r</sup> PRICE'S MEMORIAL IN REGARD TO TAXATION OF EPISCOPALIANS FOR SUPPORT OF CONGREGATIONAL CHURCHES.

A MEMORIAL of Roger Price Commissary of y<sup>e</sup> Episcopal Churches in New England, Shewing that whereas His Excellency was pleased in his Speech to both Houses deliver'd at the beginning of this Session to recommend to them, the making good Protestants of all Denominations among us easy in their Way & manner of worshipping God (if they may be thought conscientiously to differ from y<sup>e</sup> establish'd Churches in this Country,<sup>1</sup> & did particularly mention the Quakers as a virtuous inoffensive people & good Members of the Common Wealth, & well Attach'd to his Majesty, & his Royal House, & move that some Law might be pass'd for their Ease & Quiet, upon which Recommendation of His Excellency, a Comm<sup>tee</sup> of the House of Represent<sup>ves</sup> is appointed (as the Memorialist is informed) to prepare a Bill for the Ease of the people called Ana Baptists & Quakers, & for as much as the Memorial<sup>l</sup> conceives, that those of the Church of England deserve the same good Character w<sup>ch</sup> His Excellency has Given to the Quakers, Therefore praying that this Court would take their Case into Consideration, & provide for their being exempted from paying Taxes for the Support of the presbyterian & Congregational Ministers. In Council Read &

*Ordered* that Paul Dudley Jonathan Remington & Ezekiel Lewis Esq<sup>rs</sup> with such as the Hon<sup>ble</sup> House of Represent<sup>ves</sup> shall Join be a Comm<sup>tee</sup> to Consider of this Memorial, & make Report what they Judge proper for this Court to do thereon In the House of Represent<sup>ves</sup> Read & Concur'd, And M<sup>r</sup> Wells, M<sup>r</sup> Lynde Major Brattle & Cap<sup>t</sup> Goddard are joined in the Affair.

The Comm<sup>tee</sup> appointed to Consider of the Memorial of Roger Price Clerk & Commissary of the Episcopal Churches in New England & to report what they Judged proper for this Court to do therein, are humbly of Opinion, That if the design of the Memorial be wholly to exempt the Members of the Church of England in all parts of this Province, altho' they live never so remote from an Episcopal Church from paying any Tax or Charge to the Minister of the Town or Precinct where they dwell the Granting the prayer thereof would be highly unreasonable because such of them as live at a great Distance must either stay at Home on the Lord's Day, & attend on no publick Worship, which the Committee would hope they dare not allow themselves in, or else they must generally or for the greatest part of the Year, Attend on the Ministry established in the Churches of New England, In which Case by all Laws, Divine & humane they ought to Contribute towards the Support of such Minister, Nor will such persons attending three or four Times in a Year at a Church of England much alter the matter.

Legislative  
Records of the  
Council, xv.,  
188, 212, 227.

Legislative  
Records of the  
Council, xv.,  
182. House  
Journal, pp. 16,  
58, 59, 80. Prov.  
ince Laws, I,  
14; ii., 453,  
chap. 7.

<sup>1</sup> The parenthesis should, it seems, end here.

A { As to such of the Inhabitants of this province who live within five miles of a Church of England that may be situate in any of the neighbouring Provinces or Colonies, the Committee are of Opinion that tho' according to the Letter of the Law of this province made in the fir<sup>st</sup> Year of His present Majesty's Reign, Entitled An Act in Addition to the Several Acts for the Settlement & Support of ministers, they are not exempted from Paying to the Support of the Minister of the place where they Dwell, Yet they fall within the reason thereof & therefore ought to have the same Relief.<sup>1</sup>

In Answer to the Argument made use of in the Memorial drawn from a Paragraph of His Excellency's Speech to this Court in the beginning of the present Session in favour of the Quakers the Comm<sup>tee</sup> apprehend the Case of the Quakers to be vastly different from that of the Members of the Church of England, in that the former not only make a Scruple of Conscience of Attending the publick Worship of God in any of the Protestant reformed Churches, but solemnly & expressly Declare against maintaining any Gospel Ministry or Preacher whatsoever, whereas the Members of the Church of England agreeable to their own principle avowedly declare it their indispensable Duty to have & maintain a Gospel Ministry & those of that persuasion inhabiting this Province that live remote from an Episcopal Church usually Attend on the Ministry of the Churches of New England, nor do any of them alledge any Scruple of Conscience to the Contrary, so that there may be some reason to Exempt the Quakers from Supporting a Ministry they neither can nor will hear from a Principle of Conscience as they Alledge, there cannot be the like reason to Exempt all such as Declare themselves of the Church of England, who live at such a Distance from such a Church as that without breaking in upon the Sabbath Day they must for the most part attend divine Service as performed in the Churches of this Country or else live in the Neglect of the publick Worship of God, It is hard to Say what the Memorialist intends by enforcing his Petition from the Laws of England unless he had mentioned some Acts or Statutes in particular. As to the Clause in the Royal Charter granting Liberty of Conscience in the Worship of God to all Christians inhabiting or residing in this province except Papists; It is well known that the Members of the Church of England inhabiting this province, tho they Dissent from the Churches settled & Established in New England, have the Same free & full Liberty of their Consciencis in the publick Worship of God as those of the presbyterian or Congregational Churches, & have moreover an additional priviledge granted them of late. viz<sup>t</sup> That tho they live in a Town or Precinct where there is no Episcopal Minister, Yet if it be within five Miles of a Church of England & they usually attend there, they & their Estates are Exempted from paying any Charges to the Minister of such Town or Precinct, Upon the whole the Comm<sup>tee</sup> are of Opinion that y<sup>e</sup> Memorialist has no reason to Complain of any hardships done to the Members of the Church of England inhabiting this Province. All which is humbly Submitted by

PAUL DUDLEY in y<sup>e</sup> name & by Order of y<sup>e</sup> Comm<sup>tee</sup>

In Council Read &

*Ordered* that this report be Accepted

The Vote of Council on y<sup>e</sup> Report of the Comm<sup>tee</sup> on the Memorial of M<sup>r</sup> Roger Price (as Entered the 6<sup>th</sup> Instant) was brought up from the House with th<sup>r</sup> Vote of Concurrence, Saving that part of the Report mark'd A.

In Council, Read & Concur'd. [*Passed January 20.*]

The whole of the foregoing paragraph is underlined in the MS.

## CHAPTER 136.

ORDER ACCEPTING THE REPORT OF Y<sup>E</sup> COMM<sup>TEE</sup> AB<sup>T</sup> IPSWICH RIVER.

THE COMM<sup>TEE</sup> appointed by the General Court at the Session in August last to repair to Ipswich River & carefully view the Same & report to this Court at their next Session what they judge proper to be done on the petition of Samuel Hayward & others Agents for the Towns of Topsfield, Reading &c. referring to the Stopping the passage of the Fish up said River, The Comm<sup>tee</sup> having repaired to the afores<sup>d</sup> River & viewed the same accordingly, are humbly of Opinion that there be three convenient Wasts, made & kept open for the future for the Convenient Passage of the Fish up & down s<sup>d</sup> River, the first of s<sup>d</sup> Wasts to be made at Duch's Saw Mill Dam ab<sup>t</sup> Twenty five feet to the Northward of the s<sup>d</sup> Dutch's Saw Mill, the Second Wast to be made at Farley's Mill Dam ab<sup>t</sup> eight or nine feet off of the Easterly End of s<sup>d</sup> Dam, the third Wast to be made in the River Mill Dam now in Middleton at the Easterly End thereof, Each & every of the afores<sup>d</sup> Wasts to be seven feet wide at y<sup>e</sup> least & ab<sup>t</sup> eighteen Inches Deep so as to afford convenient passing & repassing up & down s<sup>d</sup> River for y<sup>e</sup> Fish call'd Alewives at their proper Seasons, for spawning & breeding, And that the Owner or Owners of each Dam respectively take care to Effect the same at his own Cost & Charge accordingly A.

EBEN<sup>s</sup> BURRIL in the Name of the Comm<sup>tee</sup>

In the House of Represent<sup>ves</sup> Read &

*Ordered* that this Report be accepted with the Amendm<sup>t</sup> at A viz<sup>t</sup> Provided the s<sup>d</sup> Wasts do not exceed five feet in length & are kept open no longer than from the Middle of March to y<sup>e</sup> Middle of May Annually. In Council Read & Concur'd. [*Passed January 21.*]

## CHAPTER 137.

## ORDER OF NOTICE ON THE PETITION OF EXPERIENCE MAYHEW IN BEHALF OF INDIANS.

A PETITION of Experience Mayhew Agent for y<sup>e</sup> Christian Indians within the Bounds of The Town of Tisbury in the Island of Martha's Vineyard, setting forth y<sup>e</sup> inconveniencies they are under for want of y<sup>e</sup> power of chusing officers among Themselves, Therefore praying that they may be Constituted a Separate Town or Precinct or have the privileges necessary for the Chusing & Appointing Officers among themselves for y<sup>e</sup> Ordering & Managing of their own Affairs.

Read &

*Ordered* that the Petiti<sup>o</sup>n serve the Inhabitants of the Town of Tisbury with a Copy of this petition, that so they may shew Cause if any they have on the Second Wednesday of y<sup>e</sup> next May Session, why the prayer thereof may not be granted. [*Passed January 26.*]

Legislative  
Records of the  
Council, xv.,  
231.

House Jour-  
nal, pp. 50, 62.  
*Ante*, p. 609,  
chap. 71.

Legislative  
Records of the  
Council, xv.,  
232.

House Jour-  
nal, pp. 79, 83.

## CHAPTER 138.

## ORDER ALLOWING £15. 3 TO HENRY JOSLYN.

Legislative  
Records of the  
Council, xv.,  
233.

House Jour-  
nal, p. 83.  
*Ante*, p. 613,  
chap. 77.

A PETITION of Henry Joslyn late Constable of Attleborô setting forth the Losses & Damages he has sustained by his Imprisonm<sup>t</sup> in the Colony of Rhoad Island for his levying Taxes in Attleborô afores<sup>d</sup> in Conformity to y<sup>e</sup> Orders of this Governm<sup>t</sup> praying Consideration for y<sup>e</sup> same Read &

*Ordered* that the sum of fifteen pounds<sup>1</sup> be allowed & paid out of the publick Treasury to y<sup>e</sup> petitio<sup>r</sup> in Consideration of y<sup>e</sup> Charge Exp<sup>ce</sup> & Loss of Time he has sustained in the Service of y<sup>e</sup> Governm<sup>t</sup>. [*Passed January 26.*]

## CHAPTER 139.

ORDER APPOINTING A COMM<sup>TEE</sup> AB<sup>T</sup> RHODE ISLAND LINE.

Legislative  
Records of the  
Council, xv.,  
233.

Legislative  
Records of the  
Council, xv.,  
202. House  
Journal, pp. 81,  
84. *Ante*,  
p. 616, chap. 83.

In the House of Represent<sup>ves</sup>

*Ordered* y<sup>t</sup> M<sup>r</sup> Wells, Cp<sup>t</sup> Alden M<sup>r</sup> Cook M<sup>r</sup> Shove & Cp<sup>t</sup> Foster with such as the Hon<sup>ble</sup> Board shall appoint be a Comm<sup>tee</sup> in behalf of this Governm<sup>t</sup> to meet the Commiss<sup>rs</sup> appointed to settle the western Boundary between this province & the Colony of Rhode Island at such Time & place as y<sup>e</sup> s<sup>d</sup> Commiss<sup>rs</sup> shall appoint in Order to set forth the Right of this Province in the Land in Controversy: In Council Read & Concur<sup>d</sup> & Sam<sup>l</sup> Thaxter Spenc<sup>r</sup>. Phips & Will<sup>m</sup> Dudley Esq<sup>rs</sup> are Added in the Affair, Any five of y<sup>e</sup> Comm<sup>tee</sup> to be a Quorum. [*Passed January 26.*]

## CHAPTER 140.

## ORDER FOR LEVYING AND COLLECTING A TAX AT HOUSATANNUCK LOWER TOWN.

Legislative  
Records of the  
Council, xv.,  
234.

House Jour-  
nal, pp. 84, 85.  
*Ante*, p. 561,  
chap. 53.

*Ordered* that M<sup>r</sup> John Huggen a principal Inhabitant of the lower Township of Housatannuck be & hereby is fully Authorized & Impowered to Summon & give Notice to the Inhabitants & propri<sup>ts</sup> of the s<sup>d</sup> Township to meet together at some convenient place there, who are hereby impowered to raise by a Tax such Sum or Sums as they shall judge necessary for defraying the Charges of the s<sup>d</sup> Township for the two Years next ensuing, also to Choose a Clerk, Treasurer, Assessor & Collector or Collectors for y<sup>e</sup> Levying & Collecting of the Same, of w<sup>ch</sup> Meeting the s<sup>d</sup> John Huggens to be Moderator, & the Clerk so chosen (being first sworn before One of His Majesty's Justices of the peace for y<sup>e</sup> County of Hampshire) is hereby impowered to Administer the proper Oaths to the Assessor & Collector or Collectors, & that the Collector or Collectors so chosen be & hereby are also impowered & directed to Assess & Levy such Sum or Sums as shall be agreed on to be raised in equal Proportion on all y<sup>e</sup> Grantees of the s<sup>d</sup> Township as well those that do not reside there as those that do & the s<sup>d</sup> Constable or Collet<sup>ts</sup> are fully enabled to Collect the Same. [*Passed January 26.*]

<sup>1</sup> The House Journal reads, £15. 3.

## CHAPTER 141.

ORDER ACCEPTING THE ACCT OF Y<sup>E</sup> COUNTY TREAS<sup>R</sup> OF SUFFOLK.

AN ACCOUNT presented by Samuel Checkly Esq<sup>r</sup> Treasurer of the County of Suffolk for the last Year, Having been laid before the Court of General Sessions of the peace for s<sup>d</sup> County & by them allowed of. Read &

*Ordered* that this Account be & hereby is allowed, save three pounds four Shillings over charged by M<sup>r</sup> Sheriff Winslow for sending out precepts for the Choice of Represent<sup>ves</sup> (which s<sup>d</sup> Sum the s<sup>d</sup> Sheriff is directed to pay back to the Treasurer of y<sup>e</sup> County of Suffolk) & that His Majesty's Justices of the s<sup>d</sup> County be & hereby are directed for the future not to allow any Charge upon the County for several Services mentioned in this Account viz<sup>t</sup> Warrants to the Assessors, Venires & Whipping. [*Passed January 28.*]

Legislative  
Records of the  
Council, xv.,  
237.

House Jour-  
nal, p. 105.

## CHAPTER 142.

ORDER ACCEPTING THE ACCT OF THE COUNTY TREAS<sup>R</sup> OF ESSEX.

AN ACCOUNT presented by John Appleton Esq<sup>r</sup> Treasurer of the County of Essex for the last Year, Having been laid before the Court of General Sessions of the peace for s<sup>d</sup> County, & by them allowed of. Read &

*Ordered* that this Account be allowed, save Twenty-eight Shillings p<sup>d</sup> M<sup>r</sup> Sheriff Marston for sending out Venires (which s<sup>d</sup> Sum he is directed to pay back into the Treasury of the County within mentioned). [*Passed January 28.*]

Legislative  
Records of the  
Council, xv.,  
237.

House Jour-  
nal, p. 105.

## CHAPTER 143.

## ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON NORTH YARMOUTH AFFAIRS.

THE COMM<sup>TEE</sup> appointed to take under Consideration the Affair of North Yarmouth & the Several petitions referring thereto & to report w<sup>t</sup> they judge Proper to be done thereon having viewed the Books Paper & proceedings of the Comm<sup>tee</sup> for Resettling s<sup>d</sup> Plantation. Having also been Attended by Several of the respective Petition<sup>rs</sup> & the s<sup>d</sup> Comm<sup>tee</sup> & having heard & Considered their Allegations, We are humbly of Opinion, That before the s<sup>d</sup> Plantation be invested with the powers & privileges that other Towns in the Province have & do Enjoy, the s<sup>d</sup> Town be ascertain'd and set forth by sufficient Metes & Bounds as follows. viz<sup>t</sup> To begin at a white Rock by the side of the Bay dividing between Falmouth & North Yarmouth, & to extend from thence into the Woods North West by Falmouth Line. Eight Miles & from y<sup>e</sup> s<sup>d</sup> White Rock, to Extend by the Bay to the Mouth of Bungamunganuck River from thence to Extend Eight miles into the Woods on a Line parallel to Falmouth Line & from thence to Falmouth Line afores<sup>d</sup> & from the afores<sup>d</sup> White Rock & Mouth of Bungamunganuck River s<sup>d</sup> Township to Extend South East, the Width of the s<sup>d</sup> Town to the main Sea, so as to include the Islands within s<sup>d</sup> Courses: That

Legislative  
Records of the  
Council, xv.,  
237.

House Jour-  
nal, pp. 73, 85,  
104. *Ante*,  
p. 633, chap.  
131.

the several persons who have been admitted to draw Lotts & have fulfilled y<sup>e</sup> Conditions of Settlem<sup>t</sup> have the same Confirmed to them & their Assigns by the Comm<sup>tee</sup> & that such as have not yet performed the Conditions be indulged for the space of Twelve Months for fulfilling the Same, but upon their neglecting so to do, the s<sup>d</sup> Lotts to be declared forfeited & be disposed of as the General Court shall Direct That the s<sup>d</sup> Comm<sup>tee</sup> forthwith take Care that the undivided Lands in s<sup>d</sup> Township be equally divided to & among the Settlers in Two & more Divisions, to be number'd & drawn for by Lot (w<sup>ch</sup> the Comm<sup>tee</sup> humbly apprehend may be Accomplished in the space of Twelve Months next coming) That in the mean Time Liberty be given to the Inhabitants to choose Select Men, Constables & other ordinary Town Officers to manage the Prudential Affairs of s<sup>d</sup> Town, but that all publick Charges for the present & until the Court shall further Order shall be raised on y<sup>e</sup> Lotts without any relation to Polls, Stock or Improvem<sup>t</sup> And that the Collectors or Receivers of the Taxes or Assessments heretofore granted do in the space of six Months next coming without Fail make up their Accompts with the s<sup>d</sup> Comm<sup>tee</sup> of their Receipts & Paym<sup>ts</sup> according to former Orders: The Comm<sup>tee</sup> to give an Account of their proceedings herein to the General Assembly at y<sup>r</sup> Session in May 1733.

In the Name & by Order of y<sup>e</sup> Comm<sup>tee</sup> SAM<sup>L</sup> THAXTER

Read &

*Ordered* that this Report be Accepted. [*Passed January 28.*]

## CHAPTER 144.

### ORDER IMPOWERING REB: BAKER AS GUARDIAN. TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xv.,  
238.

House Jour-  
nal, p. 104.

A PETITION of Rebecca Baker Widow & Relict of M<sup>r</sup> Daniel Baker late of Sherburn in the County of Middlesex Clerk Dec<sup>d</sup> & of Edmund Quiney Esq<sup>r</sup> Uncle & Gaurdian of Elisabeth Baker Daughter of the s<sup>d</sup> Daniel Baker by a former Wife shewing that the s<sup>d</sup> Daniel Baker hath left a Considerable Real Estate w<sup>ch</sup> thô it may be sold to Advantage, yet as it lies will bring in but little & the Housing will daily go to Decay And for as much as they have good Opportunity to Sell the s<sup>d</sup> Estate to a good profit, praying an Order of this Court to empower Them to make a good Title to such as shall Appear to purchase it. That so the s<sup>d</sup> Widow & two Daughters of the Deceased being his only Children may be comfortably supported by the Interest of the produce thereof. In Council Read &

*Ordered* that the Prayer of the Petition be granted & that Edmund Quiney Esq<sup>r</sup> with such as shall be joined by the Hon<sup>ble</sup> House of Representatives be Trustees for the Widow & Children of the Rev<sup>d</sup> M<sup>r</sup> Daniel Baker deceased And that they be empowered to make Sale of so much of the real Estate of the s<sup>d</sup> Deceased, as they Judge necessary & most for y<sup>e</sup> Benefit of s<sup>d</sup> Widow & Children. And that the s<sup>d</sup> Trustees put out the produce thereof to Interest for the Use of the Widow & Children in equal parts. The Children to be p<sup>d</sup> their Portions out of the Principal as they come of Age or be Married & the other third part thereof to be Divided between them after the Widow's Decease.

In the House of Representat<sup>vs</sup> Read & Concur'd [and *Ordered*, That William Brattle Esq; be join'd in the Affair.]<sup>1</sup> [*Passed January 28.*]

<sup>1</sup> The words in brackets are taken from the House Journal, p. 104.

## CHAPTER 145.

ORDER ALLOWING £600 TO JN<sup>o</sup> HENRY LYDIUS.

A MEMORIAL of John Henry Lydius Setting forth his great Losses & Sufferings & Expences by his being seized, imprisoned & sent Home to France by Order of the Govern<sup>r</sup> of Canada so that He was kept from his Business at home for near Eighteen Months his Charges besides his Loss of Time being above One hundred & fifty pounds Sterling all w<sup>ch</sup> was occasioned by his Serving the Interest of this & the neighbouring Provinces with the Canada Indians & diverting them from Designs against us, Praying to be reimbursed for his s<sup>d</sup> Losses & Damages Read &

*Ordered* that the Sum of Six hundred pounds be allowed & p<sup>d</sup> out of the publick Treasury to y<sup>e</sup> Memorial<sup>t</sup> in Consideration of the great Charge & Expence he hath been at as also his Imprisonm<sup>t</sup> & for his good Offices for this Province in the Late Indian War.<sup>1</sup> [*Passed January 31.*]

Legislative  
Records of the  
Council, xv.,  
240.

Executive  
Records of the  
Council, ix.,  
430. *Ante*,  
p. 331, chap. 87;  
p. 347, chaps.  
137, 140.

## CHAPTER 146.

ORDER ACCEPTING THE REPORT ON PENYCOOK AFFAIR.

A PETITION of Henry Rolfe Esq<sup>r</sup> in behalf of the propri<sup>ties</sup> & Settlers of Penycook, Shewing that there are ab<sup>t</sup> Eighty Families settld there & y<sup>e</sup> Duty performed on their Lots, but that ab<sup>t</sup> Twenty of the propri<sup>ties</sup> have failed of performing the Conditions of their Grants, so that their Lots are forfeited, praying y<sup>e</sup> Order of this Court referring to the s<sup>d</sup> Lots, as also that the s<sup>d</sup> place may be erected into a Township & the Inhabitants vested with the privileges of a Town, without which they can't carry on the Affairs of the s<sup>d</sup> plantation w<sup>th</sup> any regularity

Legislative  
Records of the  
Council, xv.,  
232, 241.

House Jour-  
nal, pp. 81, 110.  
*Ante*, p. 553,  
chap. 49.

The Comm<sup>tee</sup> having considered the Petition of Henry Rolfe Esq<sup>r</sup> in behalf of the Grantees or Settlers at Penicook together with the report of two of the General Courts Committees who last took a Veiw of the Circumstances of the s<sup>d</sup> Grantees of their Several Improvem<sup>ts</sup> thereof & there appearing by the s<sup>d</sup> Report that Eighty of the s<sup>d</sup> Grantees or others in their room are actual Inhabitants or Settled there, And in as much as the s<sup>d</sup> Inhabitants labour Under many Difficulties for want of Power to regulate themselves for the good Order & Benefit of the said plantation, We are humbly of Opinion that the said Inhabitants be vested with the same power and privileges that other Towns in this Province by Law have do or ought to Enjoy, And there appearing by s<sup>d</sup> Committ<sup>s</sup> Report that there are Twenty Lots belonging to some of the s<sup>d</sup> Grantees who have made considerable Improvem<sup>ts</sup> on their s<sup>d</sup> Lots, but have not as yet fully complied with the Conditions of s<sup>d</sup> Grant, are of Opinion that the space of Twelve Months be allowed to such deficient Grantees on Condition they pay y<sup>r</sup> full proportion to all Town & Ministerial Charges as to their Lands equal with such as have fully complied with their Grants; But in Case such defic<sup>t</sup> Grantees, or any of them fail of fulfilling the Condition of s<sup>d</sup> Grant by the Time above expressed, & of paying their proportion of s<sup>d</sup> Charges as they shall become due, Then their said Grants be & hereby are declared to be absolutely void & forfeited, & be disposed of As this Court shall Order.

By Order & in behalf of the Committee

BENJ<sup>A</sup> LYNDE

Read &

*Ordered* that this Report be accepted. [*Passed February 1.*]

<sup>1</sup> Not found in the House Journal.





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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1732-33.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1732-33.

HIS EXCELLENCY JONATHAN BELCHER,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

JOSIAH WILLARD, ESQ.,  
SECRETARY OF THE PROVINCE.

## COUNCILLORS OR ASSISTANTS.<sup>2</sup>

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called  
the Colony of the Massachusetts Bay;*

BENJAMIN LYNDE  
THOMAS HUTCHINSON  
PAUL DUDLEY  
SAMUEL THAXTER  
JOHN TURNER  
DANIEL OLIVER  
SIMONDS EPES  
JOHN CHANDLER  
WILLIAM DUDLEY

} ESQRS.

JONATHAN REMINGTON  
WILLIAM CLARKE  
JOHN ALFORD  
EBENEZER STONE  
JOSEPH WADSWORTH  
THOMAS CUSHING  
JOHN OSBURN  
EBENEZER BURRILL  
EZEKIEL LEWIS

} ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called  
the Colony of New Plymouth;*

ISAAC WINSLOW, SETH WILLIAMS & ISAAC LOTHROP, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called  
the Province of Mayn;*

JOHN WHEELWRIGHT, WILLIAM PEPPERIL, JUNIOR, & TIMOTHY GERRISH, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between  
the River of Sagadahock & Nova Scotia;*

SPENCER PHIPS, ESQ.

<sup>1</sup> See Legislative Records of the Council, xv., 249-252.

<sup>2</sup> Isaac Little of Plymouth, elected by the House of Representatives, was rejected by the Governor. — Legislative Records of the Council, xv., 252.

*For the Province, at large:—*

THOMAS PALMER &amp; FRANCIS FOXCROFT, ESQRS.

## REPRESENTATIVES OR DEPUTIES.

*May 31, 1732 to April 26, 1733.*

MR. JOHN QUINCY, SPEAKER.

## COUNTY OF SUFFOLK.

*Boston*, . . . Elisha Cook, Esq.,  
 . . . Habijah Savage, Esq.,  
 . . . Samuel Wells, Esq.,  
 . . . Mr. Thomas Cushing.  
*Roxbury*, . . . John Bowls, Esq.  
*Dorchester*, . . . Mr. Benjamin Bird.  
*Milton*, . . . Mr. John Wadsworth.  
*Brantrey*, . . . John Quincy, Esq.  
*Weymouth*, . . . Mr. Thomas White.  
*Hingham*, . . . Mr. John Jacob.  
*Dedham*, . . . Mr. Joseph Ellis.  
*Medfeild*, . . . Mr. Joshua Morse.  
*Wrentham*, . . . Capt. Robert Blake.  
*Stoughton*, . . . Mr. Moses Gill.

## COUNTY OF ESSEX.

*Salem*, . . . Daniel Epes, Esq.,  
 . . . Mr. Benjamin Brown.  
*Ipswich*, . . . John Wainwright, Esq.,  
 . . . Mr. John Choate, Junior.  
*Newbury*, . . . Joseph Gerrish, Esq.  
*Lynn*, . . . Mr. Richard Johnson.  
*Marblehead*, . . . Mr. Jeremiah Gatchel.  
*Haverhill*, . . . Mr. Nathan Webster.  
*Rowley*, . . . Mr. John Hobson.  
*Salisbury*, . . . Mr. Isaac Morrill.  
*Gloicester*, . . . Mr. Samuel Stevens.  
*Andover*, . . . Mr. Joseph Parker.  
*Topsfeild*, . . . Mr. Jacob Peabody.  
*Beverly*, . . . Mr. He[n]ry Herrick.  
*Wenham*, . . . Mr. William Fairfeild.  
*Boxford*, . . . Capt. Joseph Hale.  
*Bradford*, . . . Mr. Thomas Kimbal, Jr.  
*Amesbury*, . . . Mr. John Foot.

## COUNTY OF MIDDLESEX.

*Cambridge*, . . William Brattle, Esq.  
*Charlestown*, . Mr. Stephen Hall,  
 . . . Mr. Joseph Lemmon.  
*Watertown*, . . Mr. Nathan Fisk.  
*Concord*, . . . Mr. Samuel Chandler.  
*Newton*, . . . Mr. Richard Ward.

COUNTY OF MIDDLESEX — *Concluded.*

*Sudbury*, . . . Mr. John Rice.  
*Ma[r]lb[or]o*, . . Mr. John Sherman.  
*Groton*, . . . Nathanael Sattle, Esq.  
*Frammingham*, . Edward Goddard, Esq.  
*Billerica*, . . . Mr. Benjamin Thompson.  
*Woburn*, . . . Mr. Samuel Richardson.  
*Roxbury*, . . . Capt. Kendal Parker.  
*Lexington*, . . Francis Bowman, Esq.  
*Malden*, . . . Mr. Timothy Sprague.  
*Weston*, . . . Mr. Ebenezer Allen.  
*Chelmsford*, . . Mr. John Richardson.

## COUNTY OF HAMPSHIRE.

*Springfield*, . Capt. John Day.  
*Northampton*, . John Stoddard, Esq.  
*Hudley*, . . . Mr. William Partridge.  
*Windsor*, . . . John Ashby, Esq.  
*Suffield*, . . . Mr. Christopher Jacob  
 . . . Laughton.  
*Enfield*, . . . Mr. Zechariah Booth.

## COUNTY OF WORCESTER.

*Worcester*, . . John Chandler, Jun., Esq.  
*Lancaster*, . . Mr. Jonathan Houghton.  
*Mendon*, . . . Capt. Thomas Thayer.  
*Woodstock*, . . Mr. William Lyon.  
*Brookfield*, . . Mr. Samuel Barnes.

## COUNTY OF PLIMOUTH.

*Plimouth*, . . Isaac Lothrop, Esq.  
*Scituate*, . . . Amos Turner, Esq.  
*Marshfield*, . . John Little, Esq.  
*Duxbury*, . . . Capt. John Alden.  
*Bridgewater*, . Capt. Isaac Johnson.  
*Middleboro*, . . Capt. Nathaniel Southworth.  
*Rochester*, . . Mr. John Freeman.  
*Plimpton*, . . Mr. Samuel Bradford.  
*Pembroke*, . . . Mr. Elisha Bysby.

## COUNTY OF BRISTOL.

*Bristol*, . . . Charles Church, Esq.  
*Taunton*, . . . Capt. Samuel Williams.  
*Swansey*, . . . Mr. Joseph Mason, Junior.





# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON.  
ON THE THIRTY-FIRST DAY OF MAY, A.D. 1732.

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## CHAPTER 1.

ORDER FOR A TOWN MEETING AT DUDLEY.

*Ordered* that Joseph Edmunds (one of the principal Inhabitants of the Town of Dudley in the County of Worcester) be directed & Impowered to notify & Summon the Inhabitants of s<sup>d</sup> Town duly qualify'd for Votes to Assemble & meet some Time in the Month of June current for the Choosing of Town Officers to stand until the next annual Election according to Law, Any Law, Usage, or Custom to the Contrary Notwithstanding. [*Passed June 1.*]

Legislative  
Records of the  
Council, xv.,  
255.

House Jour-  
nal, p. 6.

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## CHAPTER 2.

VOTE ON PETITION OF JOHN ROBBINS PRAYING FOR RELIEF FROM ARREST.

A PETITION of John Robbins late Constable of the Town of Attleborô & Benj<sup>a</sup> Slak one of the present Constables together with Benjamin Crab Tree & Timothy Fingley of s<sup>d</sup> Town shewing that the Petitioner Robbins being in y<sup>e</sup> Execution of his Office in Collecting of Taxes in the s<sup>d</sup> Town & the other Petition<sup>rs</sup> being His Assistants, they were seized upon by one Jonathan Jenks who call'd himself a Constable of the Town of Smithfeild in the Colony of Rhoad Island, & committed to the Common Goal in Providence & there confined till they could procure Bail for their appearing at the Court to be held at Providence on the first Tuesday of this Instant June to Answer to a Charge against them for Collecting s<sup>d</sup> Taxes, Praying the Direction & Assistance of this Court for y<sup>r</sup> releif in y<sup>e</sup> Premises.

Legislative  
Records of the  
Council, xv.,  
255.

House Jour-  
nal, pp. 6, 9.  
*Ante*, p. 603,  
chap. 55.

Read & in Answer to this Petition

*Voted* that M<sup>r</sup> Elkanah Leonard of Middlborô Attorney at Law be desired to Appear for the Petition<sup>rs</sup> at the Court to be held at Providence this present Month of June & use his best Endeavours & Assistance on the Trial within mentioned at the Charge of this Province. [*Passed June 2.*]

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## CHAPTER 3.

ORDER ALLOWING THE COUNTY TREASURER OF WORCESTER HIS ACCT.

AN ACCOMPT presented by M<sup>r</sup> Jonathan Houghton Treasurer of the County of Worcester for the last Year, having been by him laid before

Legislative  
Records of the  
Council, xv.,  
257.

House Jour-  
nal, p. 11.

the Court of General Sessions of the peace for the s<sup>d</sup> County & by them allowed of. Read & Accepted &

*Ordered* that this Accompt be allow'd. [*Passed June 6.*]

## CHAPTER 4.

### ORDER ALLOWING £8 TO WILL<sup>m</sup> RICHARDSON.

Legislative  
Records of the  
Council, xv.,  
258.

House Jour-  
nal, p. 12.

A PETITION of William Richardson of Lancaster, Shewing that his dwelling House was consumed by Fire in the Night sometime in March last, at which Time he lost the Sum of Eight Pounds in Bills of publick Credit on this province which were then burnt, to the Truth of which fact he hath made Oath before John Ballantine Esq<sup>r</sup> one of His Majesty's justices of the peace for the County of Suffolk, & therefore praying an Order to the Treasurer to repay him the s<sup>d</sup> Sum of Eight pounds.

Read &

*Ordered* that the prayer of the Petition be granted, & the Treasurer is directed to pay the said Sum of Eight Pounds to the Petition<sup>r</sup> accordingly. [*Passed June 7.*]

## CHAPTER 5.

### ORDER OF NOTICE ON THE PETITION OF JONATH<sup>n</sup> SHAW &c. OF PLIMPTON TO BE ERECTED INTO A PRECINCT.

Legislative  
Records of the  
Council, xv.,  
259.

House Jour-  
nal, p. 13.

A PETITION of Jonathan Shaw & others Inhabitants of the Southerly part of the Town of Plimpton & four Inhabitants of Middleborô setting forth their great Difficulties in attending upon the publick Worship of God in their respective Churches & their convenient situation for a Township & therefore praying that they & their Families & Lands may be set off a separate Town by certain Bounds particularly described in said Petition

Read &

*Ordered* that the petition<sup>rs</sup> serve the Town of Plimpton with a Copy of this petition that so they may shew cause on Thursday the Twenty-second current why the prayer thereof should not be granted. [*Passed June 8.*]

## CHAPTER 6.

Legislative  
Records of the  
Council, xv.,  
259, 263.

Legislative  
Records of the  
Council, xv.,  
258. House  
Journal, pp. 12,  
14.

### VOTE ELECTING JABEZ BRADBURY TRUCK MASTER AT RICHMOND FORT.

THIS DAY being appointed for y<sup>e</sup> Election of a Truck Master to reside at Richmond Fort, M<sup>r</sup> Jabez Bradbury was Elected to the s<sup>d</sup> Office by a Major Vote of the Council & House of Represent<sup>ves</sup>. [*Passed June 8.*]



## CHAPTER 7.

## VOTE LOCATING A MEETING HOUSE, ON PETITION OF WOBURN NORTH WEST PRECINCT.

A PETITION of Simon Thompson & others a Comm<sup>tee</sup> for the North West Precinct in Woburn praying that this Court would State & Determine the place for setting their Meeting House on to be Sixty Poles distant from the Center Easterly. viz<sup>t</sup> Seventy three Degrees East of the North Point where the Comm<sup>tee</sup> of this Court erected a Monument.

Legislative  
Records of the  
Council, xv.,  
260.

House Jour-  
nal, p. 13.  
*Ante*, p. 631,  
chap. 121.

Read &

*Voted* that the prayer of y<sup>e</sup> Petition be granted, & the place for setting the Meeting House on be & is hereby determined to be fifty Six Poles distant from the Center Easterly, where the Monument was Erected for that purpose, The former Order of this Court Notwithstanding. [*Passed June 8.*]

## CHAPTER 8.

## ORDER ACCEPTING A PLAN OF THE NORTH TOWN ON TURKEY HILLS.

THE PROPRIET<sup>ES</sup> of the North Town in Turkey Hills presented a plan of the s<sup>d</sup> Town taken by Samuel Jones Surveyour On w<sup>ch</sup> the following Vote was pass'd by both Houses viz<sup>t</sup>

Legislative  
Records of the  
Council, xv.,  
260. Maps and  
Plans, Mis.,  
vii., 11.

*Ordered* that this Plan be Accepted & Allowed and the Bounds of the North Town in Turkey Hills settled & confirmed accordingly; Provided that Nothing herein contained be construed to affect the Right of the Proprietors of the Land called Hathorns Farm Nor of the Eighty Acres reported to belong to the Town of Dunstable nor interfere with any other or former Grant. [*Passed June 9.*]

Maps and  
Plans, Mis.,  
vii., 11. House  
Journal, p. 15.  
*Ante*, p. 628,  
chap. 112.  
*Infra*, chap. 9.

## CHAPTER 9.

## ORDER NAMING THE BOUNDS OF HATHORN'S FARM.

THE COMM<sup>TEE</sup> appointed by the great & General Court on the 12. of March. 1730., to find out & renew the Bounds of a certain Farm in the North Town in Turkey Hills called Hathorn's Farm, (having pursuant tos<sup>d</sup> Order) repaired to a Certain Tract of Land in the North Town afores<sup>d</sup> reputed (& sometime known by the Name of) Hathorn's Farm, being on the Westward side of Nissequassuck Hill so called & finding (upon a careful survey) y<sup>e</sup> s<sup>d</sup> Tract of Land so nearly agrees with the Description given of the Farm afores<sup>d</sup> in y<sup>e</sup> Original plan thereof Exhibited to this Court on the 12 of Septem<sup>r</sup> 1676. in the Situation of s<sup>d</sup> Tract (with respect to the Hill abovemention'd,) the Form or figure in w<sup>ch</sup> it is laid, the Quantity of Land contained in it, the Course & Length of the Lines bounding it & such of the Ancient Bounds & Marks as are yet remaining, that We cannot but be Humbly of Opinion that said Tract of Land is the same which was laid out to Major William Hathorn of Salem in the Year 1675. & is described in the Plan beforementioned & we have accordingly renewed the Bounds of it

Legislative  
Records of the  
Council, xv.,  
260.

House Jour-  
nal, p. 15.  
*Ante*, p. 564,  
chap. 58.  
*Supra*, chap. 8.

Read &

SAMUEL DANFORTH in y<sup>e</sup> Name & by Order of y<sup>e</sup> Comm<sup>tee</sup>  
*Ordered* that this Report be Accepted. [*Passed June 9.*]

## CHAPTER 10.

ORDER OF NOTICE ON THE PETITION OF JOHN CARVER &c. TO BE  
ERECTED INTO A PRECINCT.

Legislative  
Records of the  
Council, xv.,  
261.

House Jour-  
nal, pp. 14, 15.

A PETITION of John Carver & divers others Inhabitants of the North-  
erly part of Marshfeild & the Southerly part of Scituate, Praying that  
they with their Estates & Families by certain Bounds & Limits (which  
are particularly stated in the s<sup>d</sup> Petition) may be sett off a separate  
Township or Precinct, or that the Court would appoint a Comm<sup>tee</sup> to  
veiw their Situation & Consider their Circumstances & report w<sup>t</sup> may  
be proper to be done hereon Read &

*Ordered* that the Petition<sup>rs</sup> serve the Towns of Marshfeild & Scituate  
together with the West precinct in Scituate with Copys of this petition  
that they shew Cause on Friday the Twenty third current why the prayer  
thereof should not be granted. [*Passed June 9.*]

## CHAPTER 11.

## ORDER ON NARRAGANSET SOLDIERS PETITION.

Legislative  
Records of the  
Council, xv.,  
261. Mass.  
Archives, cxv.,  
761.

Mass.  
Archives, cxv.,  
760. Legisla-  
tive Records of  
the Council,  
xiv., 457; xv.,  
10, 31, 86, 223,  
225. House  
Journal,  
pp. 69, 70 (Jan-  
uary, 1731);  
p. 13. *Ante*,  
p. 525, chap.  
157.

A PETITION of Thomas Tilestone & others a Committee in behalf of  
the Officers & Soldiers in the Narrhaganset War. Praying the Revival  
of a Vote pass'd by both Houses on their former Petition given in at  
the last Winter Session for Enlarging the Grant of Land formerly made  
to them in Consideration of their great Services to this province in the  
s<sup>d</sup> War. Read and in Answer to this petition

*Ordered* that further Grant of land be made to the petitioners as that  
every one hundred And twenty persons whose Claimes have been or  
shall be Allowed of by this Court within four months from this time May  
have a township of the Contents of six miles square Under the same  
Regulations and limitations with the other Towns Allready Granted and  
that the Committee formerly Appointed to lay out the towns for the Nar-  
ragansett souldiers be a committe to lay out the land above Granted  
and y<sup>t</sup> the province be at the Charge of laying out the same but Not  
of any subdivisions to any pirticular person. [*Passed June 9.*]<sup>1</sup>

## CHAPTER 12.

VOTE CONFIRMING A PLAT OF 400 ACRES OF LAND TO M<sup>r</sup> BENJ<sup>a</sup> ALLEN.

Legislative  
Records of the  
Council, xv.,  
266. Maps and  
Plans, Mis.,  
vii., 24.

Maps and  
Plans, Mis.,  
vii., 24 *bis*.  
House Jour-  
nal, p. 10.  
*Ante*, p. 558,  
chap. 45.

A PLAT of Four hundred Acres of Land in two peices survey'd by  
Jonas Houghton Survey<sup>r</sup> & two Chain men under Oath to fulfill a Grant  
made by the General Court at their Session held the 10<sup>th</sup> of Feb<sup>y</sup>. 1730 :  
one peice contains Two Hundred & Twenty nine Acres & is bounded  
Southerly on Water Town Grant. Westerly on Rutland. Northerly on  
a Township laid out to the Narraganset Soldiers. & Easterly on the  
great Wachuset Hill The Other contains One hundred & Seventy one  
Acres & lies between Watertown farm & a farm called Blagroves  
Farm Read and

<sup>1</sup> This appears not to have been consented to by the Governor until April 26, 1733.  
See also *post*, p. 673, chap. 58.

*Voted* That the within Planns be accepted and that the Lands therein Set forth and described be & hereby are confirmed unto the Reverend M<sup>r</sup> Benjamin Allen his heirs and Assigns for Ever, provided they contain in the whole no more than Four hundred Acres nor Interferes with any other or former Grant. [*Passed June 13.*<sup>1</sup>

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## CHAPTER 13.

### VOTE GRANTING 1,000 ACRES OF LAND TO COLL: TAILER'S WIDOW & CHILDREN.

*Voted* that there be & hereby is granted One thousand Acres of Land in equal Proportion to the Widow & Children of the late Hon<sup>ble</sup> William Tailer Esq<sup>r</sup> dec<sup>d</sup> as a Testimony of the grateful Sense this Court hath of his constant readiness during his Life on all Occasions to expose himself in Defence of the Country & other great & good Services whereby He distinguished his Love & Affection to this Country, to be laid out by a Survey<sup>r</sup> & Chain men under Oath in some of the unappropriated Lands of this province & a plan thereof to be returned within one Year to this Court for Confirmation & that this Grant may be the more beneficial to the s<sup>d</sup> Widow & Children, the Executors of the last Will & Testament of the s<sup>d</sup> Coll: Tailer hereby are Impowered if they see Cause to make Sale of the said thousand Acres of Land, the Produce thereof to be apliced in equal parts for the Use of the s<sup>d</sup> Widow & Children. [*Passed June 14.*

Legislative  
Records of the  
Council, xv.,  
263.

Legislative  
Records of the  
Council, xv.,  
255. House  
Journal,  
pp. 22, 23.

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## CHAPTER 14.

### RESOLVE LIMITING THE TIME FOR A REPORT FROM THE COMMISSIONERS ON THE BOUNDARY LINE BETWEEN PLIMOUTH AND RHODE ISLAND.

WHEREAS this Court in their last Session Anno 1731. did pass an Act, entitled An Act to Authorize Commission<sup>rs</sup> to Determine the Western Boundary of that part of this province formerly the Colony of Plimouth & the Colony of Rhode Island adjoining, W<sup>ch</sup> Commissioners after the determination of y<sup>e</sup> Bounds are to Deliver the same under their Hands & Seals to a Comm<sup>tee</sup> to be appointed by this Court, But no provision is made in the s<sup>d</sup> Act in w<sup>t</sup> Time the s<sup>d</sup> Comission<sup>rs</sup> therein named shall meet make & deliver up as afores<sup>d</sup> their Award which may cause some Delay in the Affair BE IT THEREFORE

*Resolved* by this Court & the Authority thereof that the Time of the s<sup>d</sup> Commission<sup>rs</sup> meeting & determining the s<sup>d</sup> Boundary shall be limited to the Space of Eighteen months from this Date not to exceed that Time & as much sooner as they please & can attend it, And that the Secretary do Notify the Commission<sup>rs</sup> on our part of this Order & desire Roger Wilcot Esq<sup>r</sup> to agree with Coll: Wilder on Time & Place within the Space limited as above; in Order for the making & Delivering their Determination according to the s<sup>d</sup> Act. [*Passed June 16.*

Legislative  
Records of the  
Council, xv.,  
265, 266.

House Jour-  
nal, p. 27.  
Province  
Laws, ii., 624,  
chap. 15.  
*Ante*, p. 591,  
chap. 25.

<sup>1</sup> This date is according to Maps and Plans; according to Legislative Records of the Council the date is July 7.

## CHAPTER 15.

ORDER ALLOWING A DEDUCTION OF YE FINES OF SEVERAL TOWNS.

Legislative  
Records of the  
Council, xv.,  
266.

House Jour-  
nal, p. 25 (July,  
1730); p. 26.  
Province  
Laws, B., 535  
*ter*, 536, 537 *ter*,  
539.

*Ordered* that there be allowed & p<sup>d</sup> out of the publick Treasury to the Town of Mendon the Sum of Thirteen pounds fifteen Shillings & nine pence, to the Town of Stoughton the Sum of Sixteen pounds eight Shillings & six pence, to the Town of Bradford the Sum of Fourteen pounds & twopence, to the Town of Hadley the Sum of Fourteen pounds four Shillings to the Town of Enfield the Sum of Fourteen pounds seventeen Shillings & two pence, to the Town of Brookfield the sum of Ten pounds five Shillings & ten pence, to the Town of Wells the Sum of fifteen pounds six shillings & five pence & to the Town of Needham the Sum of Ten pounds & six pence, to reimburse the s<sup>d</sup> Towns one half the fines added to their province Tax Anno 1730. for their not sending a Represent<sup>ve</sup> at the May Session that Year Each of which Towns having sent a Represent<sup>ve</sup> to the Court on the next Writs & precepts the February following. [*Passed June 16.*]

## CHAPTER 16.

ORDER OF NOTICE ON SIMEON BUTLER'S PETITION FOR RELEIF FROM DEMANDS FOR TAXES.

Legislative  
Records of the  
Council, xv.,  
267.

House Jour-  
nal, p. 28.

A PETITION of Simeon Butler of Edgar Town in Martha's Vineyard Shewing that he is possessed of a Tract of Land lying between the s<sup>d</sup> Edgar Town & the Town of Tisbury, which for many Years past has been doubly taxed being rated at both Towns, & the said Rates have been accordingly levied & Collected, that the Petition<sup>r</sup> hath complained to the Court of General Sessions of the peace for s<sup>d</sup> County but could obtain no releif, Therefore praying this Redress from this Court

Read &

*Ordered* that the Petition<sup>r</sup> serve the Towns of Edgar Town & Tisbury with Copies of this petition, that they shew cause (if they have any) on the Second Tuesday of the next Session why the prayer thereof should not be granted, & the Collectors of of <sup>1</sup> Each of s<sup>d</sup> Towns, are hereby forbidden demanding or taking any Rates or Taxes from the petition<sup>r</sup> in the mean Time. [*Passed June 17.*]

## CHAPTER 17.

ORDER GRANTING LAND FOR A TOWN ON WARE RIVER.

Legislative  
Records of the  
Council, xv.,  
270.

Maps and  
Plans, Mis.,  
xxxvii., 10.  
Legislative  
Records of the  
Council, xv.,  
230. House  
Journal, p. 29.

A PETITION of Joshua Lamb Joseph Ruggles Timothy Ruggles & Ebenezer Pierpoint, Praying that this Court would please to make a Grant to the petition<sup>rs</sup> & their Associates of a Tract of Land lying on Ware River for a Township, upon such Conditions as the Court shall judge proper.

Read & in Answer to this Petition

*Ordered* that there be & hereby is granted unto the petition<sup>rs</sup> & their Associates a Tract of Land of the Contents of six miles square for a

Township at the place petitioned for to be laid out in a regular form by a Surveyor & Chainmen under Oath. A Plan thereof to be presented to this Court at the next Session for Confirmation, the s<sup>d</sup> Land by them to be settled on the Conditions following viz<sup>t</sup> that they within the space of five Years Settle & have on y<sup>e</sup> spot Sixty Familles (the Settlers are to be none but such as are Natives of New England) Each Settler to build a good & Convenient Dwelling House of one Story high, & eighteen feet square at the least, & clear & bring to four Acres fit for Improvem<sup>t</sup> & three Acres more well stock'd with English Grass, & also lay out three Shares throughout the Town. Each Share to be one Sixty third part of the said Town. One Share for the first settled Minister. One for the Ministry & the other for the School, & also build a Convenient Meeting House & settle a learned orthodox Minister within the Term aforesaid. [*Passed June 20.*]

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## CHAPTER 18.

### VOTE DISCHARGING TREASURER ALLEN ON HIS ACC<sup>t</sup>.

THE ACCOMPT of Jeremiah Allen Esq<sup>r</sup> Treasurer & Receiver General of His Majesty's Province of the Massachusetts Bay in New England, beginning May. 26. 1731. amounting to the Sum of One Hundred & Seventy five thousand six Hundred & Eighty two pounds Seventeen Shillings & Eleven pence, having been presented & laid before the House of Represent<sup>ves</sup> & inspected by s<sup>d</sup> House, by which it appears there was Outstanding the 26<sup>th</sup> of May. 1731. Ten thousand four Hundred & Twenty pounds nine Shillings & Eleven pence of the Taxes. One thousand one Hundred & seven pounds four Shillings of the £50,000 Loan, Fifty nine thousand two Hundred & fifty eight pounds ten Shillings of the £60,000 Emission granted by the General Court at their Session in November. 1727, of the Interest of the s<sup>d</sup> Emission Two thousand four Hundred & fifty Pounds Nine Shillings & ten pence, & Forty thousand two Hundred & Twenty pounds two Shillings & eight pence neet, Province Bills further to be accounted for.

*Voted* that the said Accompts in the several Articles of Receipts & Payments therein mentioned. Amounting to the Sum of Sixty two thousand, two Hundred & Twenty six pounds, one shilling & six pence be & hereby are Allowed of & the s<sup>d</sup> Treasurer is hereby discharged of the s<sup>d</sup> Sum of Sixty two thousand two Hundred & Twentysix pounds One shilling & six pence.<sup>1</sup> [*Passed June 27.*]

Legislative  
Records of the  
Council, xv.,  
273.

House Jour-  
nal, p. 38.  
Province  
Laws, ii., 470,  
chap. 17.

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## CHAPTER 19.

### ORDER ALLOWING THE TREASURER'S ACC<sup>t</sup> OF THE INDIAN TRADE.

AN ACCOMPT presented by Jeremiah Allen Esq<sup>r</sup> of the State of the Trade with the Eastern Indians from May. 1730 to May. 1731. Read &

*Ordered* that this Accompt be allowed & Accepted & that the Ballance thereof being twelve thousand two hundred & nine pounds fourteen Shillings & eightpence. M<sup>r</sup> Treasurer is further accomptable for. [*Passed June 27.*]

Legislative  
Records of the  
Council, xv.,  
273.

House Jour-  
nal, p. 38.

<sup>1</sup> The House Journal, p. 38, reads, "Voted. That the said Accompts in the several Articles of Receipts and Payments therein mentioned be and hereby are allowed of, and the said Treasurer is hereby discharged of the said Accompts accordingly."

## CHAPTER 20.

ORDER GRANTING JOS: PARKER'S PETITION FOR PERMISSION TO KEEP  
A FERRY BETWEEN FALMOUTH AND MARTHA'S VINEYARD.Legislative  
Records of the  
Council, xv.,  
274.House Jour-  
nal, p. 36.  
*Ante*, p. 634,  
chap. 129.

A PETITION of Joseph Parker of Falmouth in the County of Barnstable Ferryman, Shewing that whereas Samuel Barker of that place ferryman, did in January last obtain an Order of this Court for a Way to be laid out for his Benefit thro' the petitioner's Land, the s<sup>d</sup> Order is very greivous to the Petition<sup>r</sup> & as he conceives was obtained by the s<sup>d</sup> Barker's Misinformations, & therefore praying that this Court wou<sup>d</sup> declare that the s<sup>d</sup> Order has not the force & Obligation of a Law, & that He may be Allowed to keep a Ferry between Falmouth & Martha's Vineyard

Read &amp;

*Ordered* that the prayer of the petition be so far granted as that the Petition<sup>r</sup> be & hereby is allowed to keep a Ferry at the place mentioned in the Petition, & further It is

*Resolved* that the Order of this Court in January last on the Petition of Samuel Barker recommending to the Court of General Sessions of the Peace to take due Care that a passable Way be laid out to the ferry place in his petition mentioned did intend that the Justices of that Court should proceed according to their Discretion & the Laws in such Cases provided & not to be a Command upon them to lay out a new Way. [*Passed June 27.*]

## CHAPTER 21.

ORDER IMPOWERING ELIZABETH TRUESDILL TO SELL LANDS OF HER  
LATE HUSBAND TO PAY DEBTS.Legislative  
Records of the  
Council, xv.,  
274.House Jour-  
nal, pp. 26, 33,  
34.

A PETITION of Richard Ward in Behalf of his Daughter Eliz<sup>a</sup> Truesdale Reliet Widow of Samuel Truesdale late of Newton in the County of Middlesex dec<sup>d</sup> Intestate, Shewing that the s<sup>d</sup> deceased left considerably more Debts to pay than<sup>1</sup> the personal Estate will discharge, & that to sell a part only of the real Estate will be a great Damage to the Heirs, And praying that the s<sup>d</sup> Widow may be empowered to sell the whole real Estate, She to Accompt for the Overplus after the Debts are paid

Read &amp;

*Voted* that the prayer of the petition be granted, & the Petition<sup>r</sup> be & hereby is allowed & Impowered to make sale of y<sup>e</sup> whole of the real Estate of the s<sup>d</sup> Samuel Truesdale deceased, to the highest Bidder, publick Notifications of such Sale being posted up thirty Days before the day of Sale one in the Shire Town of the County of Middlesex, one at Newton where the Lands ly & one in each of the adjoining Towns thereto, & after the personal Estate is applied for the paym<sup>t</sup> of the dec<sup>d</sup>'s Debt so far as that will discharge them that out of the proceeds of the real Estate the Petition<sup>r</sup> pay & discharge all the Remainder of the Debts of the Dec<sup>d</sup> that what shall remain then of the produce of the Real Estate to be let out to Interest, To<sup>2</sup> thirds of the Interest to be paid annually to the Gaurdian of y<sup>e</sup> Child of the Dec<sup>d</sup> during his Minority for his Use the Principal of the s<sup>d</sup> two Thirds to be paid him at his Arrival to lawful Age, & in Case the s<sup>d</sup> Minor should die before He should come to Age the s<sup>d</sup> two thirds to [be]<sup>3</sup> paid to the Heir at

<sup>1</sup> *Sic*, in both copies of the records.<sup>2</sup> "Two" in the State Library copy, Legislative Records of the Council, xv., 273.<sup>3</sup> Inserted from the State Library copy, Legislative Records of the Council, xv., 273.

Law of the s<sup>d</sup> Dec<sup>d</sup> The Interest of the other third to be paid the petition<sup>r</sup> during her Life, & at her Decease the s<sup>d</sup> third to be paid to the Heir at Law, And that the Petition<sup>r</sup> first give Security to the Judge of Probate for the County of Middlesex for her Complying with this Order to Effect. [*Passed June 27.*]

## CHAPTER 22.

### VOTE IMPOWERING SARAH WALLIS TO SELL LAND.

A PETITION of Sarah Wallis Relict Widow of Wallis of Ipswich Dec<sup>d</sup> Intestate, Shewing that her s<sup>d</sup> Husband among other Estate dyed seiz'd of part of a Commonage in Ipswich in those Divisions called the Eighthths, & in that Eighth called the Turkey Hills Eighth; & the Eighth next Rowley containing about fourteen acres, which lies very inconvenient, & will be chargeable to fence it, & for as much as she is offered a Considerable Sum for it, & the Money will be much more Advantageous to her Children, Therefore praying that she may be empowered to Sell the s<sup>d</sup> Land for the Benefit of her Self & Children

Read &

*Voted* that the prayer of the petition be granted & that the petition<sup>r</sup> be & hereby is allowed & empowered to make Sale of the Lands within mentioned accordingly for the most it will fetch, & for her proceeding herein to govern herself according to the Directions of the Law empowering Executors & Administrators to make Sale of Land & other real Estate, & that she give Security to the Judge of Probate for the County of Essex to Accompt therefor, The Proceeds of the Sale to be let out to Interest & two thirds of the profits to be paid to the Gaurdians for y<sup>e</sup> Use of the Minors during their Minority, & their parts of the principal of the s<sup>d</sup> two Thirds to be paid them as they shall arrive at Age, And that the other Third be paid to the Heirs at Law at the petition<sup>r</sup> Decease, She being entitled to the profits of s<sup>d</sup> Third during her Life. [*Passed June 27.*]

Legislative  
Records of the  
Council, xv.,  
275.

House Jour-  
nal, p. 37.

## CHAPTER 23.

### ORDER ON NORTH YARMOUTH PETITION PRAYING FOR AN EQUAL DIVISION OF LANDS.

A PETITION of Samuel Seaberry & divers others Inhabitants & propriet<sup>rs</sup> of the Town of North Yarmouth, complaining of the Conduct of Some of y<sup>e</sup> Comm<sup>tee</sup> of s<sup>d</sup> place, by w<sup>ch</sup> the petition<sup>rs</sup> are much discouraged in Settling & Improving there & praying that the Common & undivided Lands there may be equally Divided among the propriet<sup>rs</sup> as to Quantity & Quality, That the Collectors may be fully empowered to Collect the Rates & Taxes & that the plantation may be put under proper Regulations for its Settlement

In Council read together with the Answer of the Comm<sup>tee</sup> for managing y<sup>e</sup> Affairs of North Yarmouth, & the Same being duly considered

*Ordered* that y<sup>e</sup> prayer of this petition be so far granted as that M<sup>r</sup> Timothy Prout with such person as shall be appointed by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be added to the s<sup>d</sup> Comm<sup>tee</sup> In the House of Represent<sup>ves</sup> Read & Concur'd, & Samuel Welles Esq<sup>r</sup> is added to the Committee. [*Passed June 28.*<sup>1</sup>]

Legislative  
Records of the  
Council, xv.,  
265, 275.

House Jour-  
nal, pp. 25, 40,  
42. *Ante*, p.  
641, chap. 143.

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is June 27.

## CHAPTER 24.

VOTE GIVING INSTRUCTIONS TO Y<sup>E</sup> MANAGERS OF Y<sup>E</sup> INDIAN TRADE.

Legislative  
Records of the  
Council, xv.,  
276.

House Jour-  
nal, p. 10.

A DRAUGHT<sup>1</sup> of Instructions to the Officer appointed or to be appointed to Send Supplies to the Truck Masters for the Eastern & Western Indians.

Read & Accepted &

*Voted* that the same be Instructions to be given to the Said Officer accordingly. [*Passed June 28.*]

## CHAPTER 25.

VOTE GIVING INSTRUCTIONS TO Y<sup>E</sup> EASTERN TRUCKMASTERS.

Legislative  
Records of the  
Council, xv.,  
276.

House Jour-  
nal, p. 40.

A DRAUGHT<sup>1</sup> of Instructions to the Truck Masters in the Eastern parts

Read & Accepted &

*Voted* that the same be the Instructions to the Truck Masters Eastward. [*Passed June 28.*]

## CHAPTER 26.

VOTE GIVING INSTRUCTIONS TO Y<sup>E</sup> WESTERN TRUCKMASTERS.

Legislative  
Records of the  
Council, xv.,  
276.

House Jour-  
nal, p. 40.

A DRAUGHT<sup>1</sup> of Instructions to the Truck Masters in the Western parts

Read & Accepted &

*Voted* that the same be the Instructions to the Truck Master Westward. [*Passed June 28.*]

## CHAPTER 27.

## ADDITIONAL LIST OF NARRAGANSET SOLDIERS.

Legislative  
Records of the  
Council, xv.,  
276.

House Jour-  
nal, p. 41.

*Ante*, p. 460,  
chap. 139;  
p. 654, chap. 11.

AN ADDITIONAL LIST<sup>2</sup> of y<sup>e</sup> Officers & Soldiers in y<sup>e</sup> Narragan<sup>st</sup> War.

Read & Accepted. [*Passed June 28.*]

## CHAPTER 28.

## VOTE IMPOWERING THE SHERIFF TO PULL DOWN AND DESTROY JONATHAN SPRAGUE'S PAPERS IN REGARD TO THE AUTHORITY OF THIS PROVINCE ALONG THE RHODE ISLAND LINE.

Legislative  
Records of the  
Council, xv.,  
276.

WHEREAS this Court hath received Information that Jonathan Sprague of Smithfeild in the Colony of Rhode Island Esq<sup>r</sup> Hath presumed to post up or cause to be posted up Papers forewarning & forbidding all per-

<sup>1</sup> No copy of this draft has been found.

<sup>2</sup> No copy of this additional list has been found.



sons not only in that but even in this Governm<sup>t</sup> at their utmost peril from using any Authority in Demanding or Receiving any Rates & Taxes from any of the Inhabitants that are or shall be Dwellers on a<sup>d</sup> Tract of Land to the Eastward of Patucket River until the Line or Boundary there between the two Governm<sup>ts</sup> shall be finally agreed & settled, contrary to the Design & express Words of the Act pass'd this Court at their last Session for appointing Commission<sup>rs</sup> to Determine that Boundary tending greatly to the Dishonour of this Governm<sup>t</sup> & the Obstruction of the Collect<sup>rs</sup> of the Town of Attleborô from doing their Duty in Collecting the Rates & Taxes of the Inhabitants of s<sup>d</sup> Town committed to them to Collect,

House Journal, p. 33.  
Province Laws, ii., 624, chap. 15.  
*Ante*, p. 603, chap. 55.

*Voted* that the Sheriff of the County of Bristol & all his Under Officers together with the Constables of the Town of Attleborô be & hereby are required on Sight of any such Paper or Prohibition to pull down & deface the same, And the respective Collect<sup>rs</sup> of Attleborô are also required & strictly enjoined to do their Duty in Collecting the Rates & Taxes committed to them, especially from the Inhabitants of the s<sup>d</sup> Tract of Land, wherein they may be Assured of the protection of this Governm<sup>t</sup> & that Copies of this Order be forthwith printed, & sent to the Constables of Attleborô, & posted up there & dispersed to & among the Inhabitants of the Gore. [*Passed June 28.*]

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## CHAPTER 29.

### ORDER REFERRING THE PETITION OF SCITUATE NORTH PRECINCT TO THE NEXT SESSION.

A PETITION of David Little & others a Comm<sup>tee</sup> for the North precinct in Scituate Setting forth that this Court were pleased to Order (on the Petition of David Jacob & others) that the Meeting House in s<sup>d</sup> precinct sh<sup>d</sup> not be removed for the Space of Seven Years unless the Court shall otherwise direct & for as much as the Inhabitants of the s<sup>d</sup> Precinct in a regular Meeting have Voted the Removal of the s<sup>d</sup> Meeting House to such a place as will better accommodate all the Inhabitants & still continue in the same mind Therefore praying that they may have the Priviledge of other Precincts & that this Court would please to take off the restraint that is laid upon 'em by the above s<sup>d</sup> Order on the Petition of David Jacob & others.

Legislative Records of the Council, xv., 257, 278.

House Journal, pp. 12, 44.  
*Ante*, p. 589, chap. 22; p. 616, chap. 82.

Read &

*Ordered* that the petition be refer'd to the first Fryday of the next Sitting of this Court. [*Passed June 29.*]

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## CHAPTER 30.

### ORDER CREATING A TOWNSHIP THE EAST SIDE OF THE MERRIMAC RIVER.

A PETITION of Robert Fletcher & others Inhabitants of the Town of Dunstable on the Easterly Side of the River praying that they may be set off a distinct Township agreeable to the Vote of the Town pass'd the first of March 1730 that they may have their proportion of Lands belonging to the Inhabitants & that they may be impowered to tax the Lands of the Non Residents on y<sup>t</sup> side of the River towards the Ministerial Charges

Read &

Legislative Records of the Council, xv., 278.

House Journal, p. 41.  
Province Laws, ii., 660, chap. 10.

*Ordered* that the prayer of the petition be so far granted as y<sup>t</sup> y<sup>e</sup> Lands on the East Side of Merrimack River in the Town of Dunstable be sett off a distinct Township<sup>1</sup> & that y<sup>e</sup> petition<sup>rs</sup> have Leave to bring in a Bill accordingly. [*Passed June 29.*]

## CHAPTER 31.

### ORDER IMPOWERING MARY EMERSON TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xv.,  
279.

House Jour-  
nal, p. 41.

A PETITION of Mary Emerson Relict Widow of John Emerson late of Portsmouth in the province of New Hampshire Clerk. Dec<sup>d</sup> & of Increase How Gaundian to his Children being Minors, setting forth that the Children of the dec<sup>d</sup> that are of full age are desirous to sell their shares in some Housing & Lands in Ipswich of w<sup>ch</sup> the s<sup>d</sup> John Emerson died seized, wherein the petition<sup>r</sup> Mary has her right of Dower, Praying that the Petition<sup>rs</sup> may be enabled by this Court to join in the Sale thereof

Read &

*Ordered* y<sup>t</sup> the prayer of the petition be granted & the petition<sup>rs</sup> be & hereby are fully authoriz'd & empowered to make Sale of the Houses & Lands withinmentioned for the most the Same will fetch, for y<sup>e</sup> Use of y<sup>e</sup> Heirs thirty days publick Notice being given at least before the Day of Sale, by posting up Notifications, One whereof to be in Ipswich and one in Each of the two next adjoining Towns, That the Petition<sup>rs</sup> give good & sufficient Security to the Judge of probate for the County of Essex, that the Minors have & receive their profits & Incomes of their proportionable parts of the produce of the Sale, W<sup>ch</sup> is to be let out at Interest during their Minority, & the Principal thereof to be paid them as they shall respectively arrive at Age, & that y<sup>e</sup> third part of the produce thereof, the profits of which belong to the petition<sup>r</sup> Mary during Life shall at her Decease be paid & Distributed to the Heirs at Law, who may be entitled respectively to Demand the Same. [*Passed June 29.*]

## CHAPTER 32.

### ORDER ON PLIMPTON INHAB<sup>TS</sup> PETITION PRAYING TO BE ERECTED INTO A PRECINCT OR TOWNSHIP.

Legislative  
Records of the  
Council, xv.,  
279.

House Jour-  
nal, p. 43.  
*Ante*, p. 652,  
chap. 5.

ON THE PETITION of divers Inhabitants of y<sup>e</sup> Town of Plimpton [*ante*, p. 652, chap. 5] W<sup>ch</sup> was read again in both Houses, with the Answer of the Town of Plimpton, & the parties were fully heard In the House of Represent<sup>ves</sup>

*Ordered* that Will<sup>m</sup> Brattle & Shubal Gorham Esq<sup>rs</sup> with such as the Hon<sup>ble</sup> Board shall appoint be a Comm<sup>tee</sup> to repair to the Lands, petition'd for to be a Township, or precinct first giving seasonable Notice to the Town of Plimpton of the Time of their coming that they carefully veiw & consider the Circumstances of the Petition<sup>rs</sup> with the other parts of the Town of Plimpton, & report their Opinion at the Next Session of w<sup>t</sup> may be proper for the Court to do thereupon, The Charge of the Comm<sup>tee</sup> to be paid by the Town of Plimpton at the Motion of M<sup>r</sup> Bradford their Represent<sup>ve</sup> In Council Read & Concur'd & Will<sup>m</sup> Clarke Esq<sup>r</sup> is joined in y<sup>e</sup> Affair. [*Passed June 29.*]

<sup>1</sup> Province Laws, ii., 600, chap. 10. The township was called Nottingham.

## CHAPTER 33.

## ORDER FOR A TOWN MEETING AT TOWNSHEND.

*Ordered* that M<sup>r</sup> Joseph Stevens one of the principal Inhabitants of the Town of Townshend be & hereby is fully impowered to Assemble & Convince the Inhabitants of s<sup>d</sup> Town to Choose Town Officers to Stand until the Anniversary Meeting in March next, Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed June 30.*]

Legislative  
Records of the  
Council, xv.,  
280.

House Jour-  
nal, p. 45.

## CHAPTER 34.

## ORDER FOR TOWN MEETING AT HARVARD.

*Ordered* y<sup>t</sup> M<sup>r</sup> Simon Stone (one of the principal Inhabitants of the Town of Harvard [])<sup>1</sup> be & hereby is fully impowered to Assemble & Convene the Inhabitants of s<sup>d</sup> Town to Choose Town Officers to stand until the anniversary meeting in March next any Law Usage, or Custom to the Contrary Notwithstanding. [*Passed June 30.*]

Legislative  
Records of the  
Council, xv.,  
280.

House Jour-  
nal, p. 45.

## CHAPTER 35.

ORDER ON Y<sup>E</sup> PLAT OF 500 ACRES OF LAND FOR Y<sup>E</sup> GOV<sup>R</sup>.

A PLAT of five Hundred Acres of Land laid out by Timothy Dwight survey<sup>r</sup> and Two Chain men all under Oath to His Excellency Jonathan Belcher Esq<sup>r</sup> being the remainder of a Grant of eight Hundred Acres made to him by the General Court y<sup>e</sup> 7<sup>th</sup> of October 1730, & is bounded as follows. viz. beginning at a black Oak standle Standing on the Bank of Connecticut River at the North End Merry's Meadow (so called) above Northfeild & runs from thence East thirty nine Degrees & thirty Minutes, North one hundred & ninety Perch to a white Oak Tree mark'd with the Letters **B** West & South from thence South thirty nine Degrees & thirty minutes East three hundred & Sixty Seven Perch to a pine Tree mark'd **B** North & East, & thence West thirty nine Degrees & thirty Minutes, South One hundred & Ninety Perch to an Elm Tree standing in y<sup>e</sup> Corner between Connecticut River & the little Brook, emptying into the River at the lower End of s<sup>d</sup> Merry's Meadow & from thence along by Connecticut River to y<sup>e</sup> place where it began.

Read and

*Ordered* That the Land within delineated and described be and hereby is confirmed unto His Excellency Jonathan Belcher Esq<sup>r</sup> his Heirs and Assigns for Ever, and is in full Satisfaction of the Grant of Eight hundred Acres of Land lately made him by this Court, provided the said Land do not exceed the Quantity of Five hundred Acres, nor interfere with any other or former Grant. [*Passed June 30.*]

Legislative  
Records of the  
Council, xv.,  
280. Maps and  
Plans, Mis.,  
vii., 19.

Maps and  
Plans, Mis.,  
vii., 19 *bis*.  
House Jour-  
nal, p. 45.  
*Ate*, p. 515,  
chap. 129;  
p. 559, chap. 48.

<sup>1</sup> Inserted from the State Library copy, Legislative Records of the Council, xv., 279.

## CHAPTER 36.

ORDER CONFIRMING A PLAT OF 239 ACRES OF LAND FOR YE PROPS  
OF LUNENBURG.

Legislative  
Records of the  
Council, xv.,  
281. Maps and  
Plans, Mis.,  
vii., 17.

Maps and  
Plans, Mis.,  
vii., 17, 18.  
House Jour-  
nal, pp. 45, 46.  
*Ante*, p. 619,  
chap. 90.

A PLAT of Two Hundred & thirty nine Acres of Land laid out to the Propriet<sup>rs</sup> of the Town of Lunenburg being part of a Grant of 400 acres made to them by the General Court Sept<sup>r</sup> 22. 1731. as an Equivalent for Land formerly taken up by James Kebby & lying in s<sup>d</sup> Town, It begins at a black Oak Standle on the Bank of Connecticut River at the North End of Merry meadow (so called) above Northfeild, Thence running East, 39°, 30' North One Hundred perch to a Pine Tree mark'd with the Letters W, thence North, 29°, 30' West, Three Hundred & thirty seven perch to a Pine Tree mark'd W. & from thence West, 39°, 30' South Eighty nine perch to a white Oak standle mark'd W. on the bank of Connecticut River, & from thence along the s<sup>d</sup> River to the place where it began.

Read and

*Ordered* That the Lands delineated & described in the within plat be and are hereby confirmed to the proprietors of the Town of Lunenburg in part of satisfaction of the Grant of Four hundred Acres, provided it exceeds not the Quantity of two hundred thirty Nine Acres nor interferes with Any former Grant. [*Passed June 30.*]

## CHAPTER 37.

ORDER OF NOTICE ON PETITION OF CAMBRIDGE NORTHWEST INHAB<sup>ts</sup>  
TO BE SET OFF INTO A PRECINCT.

Legislative  
Records of the  
Council, xv.,  
282.

House Jour-  
nal, p. 44.

A PETITION of James Cutler & others a Comm<sup>tee</sup> for y<sup>e</sup> Inhabitants of the North west part of the Town of Cambridge shewing that upon their application to s<sup>d</sup> Town to be set off a separate precinct They were pleased to Vote y<sup>t</sup> they sh<sup>d</sup> be set off by certain Bounds in thes<sup>d</sup> Vote particularly described with a Reservation of the Ministerial Lands to the old parish together with all their Gifts & Grants made to the Church at Cambridge, & praying that they may be set off a distinct precinct without that Reservation, & that the Ministry Lot lying within their Bounds may be assigned to the Petition<sup>rs</sup> which is not their full proportion of the Ministerial Estate Read &

*Ordered* y<sup>t</sup> the petition<sup>rs</sup> serve the Town of Cambridge with a Copy of this Petition, that they shew Cause on the first Friday of y<sup>e</sup> next Sitting of this Court, why the prayer thereof sh<sup>d</sup> not be granted. [*Passed June 30.*]

## CHAPTER 38.

VOTE AB<sup>t</sup> COLLECTING TAXES AT NORTH YARMOUTH.

Legislative  
Records of the  
Council, xv.,  
288.

House Jour-  
nal, p. 54.  
*Ante*, p. 659,  
chap. 23.

*Voted* that the present Collectors in the Town of North Yarmouth or others that shall be appointed by the Comm<sup>tee</sup> during their Continuance to manage the prudentials of that Town be & hereby are fully authorized & empowered to gather & collect all Rates & Taxes to them committed with Warrant therefor, as any of the Collectors within any of the Towns of this province are empowered by Law unto, & to pay in

the same according to the Directions in the Warrant annexed to the rates conformable to the Directions of the Law in such Cases made & provided. [*Passed July 4.*]

## CHAPTER 39.

ORDER IMPOWERING PATIENCE REDWOOD & JOS: WHIPPLE, ADMINISTRATORS OF ESTATE OF ABRAHAM REDWOOD, TO SELL LAND.

A PETITION of Patience Redwood & Joseph Whipple Administ<sup>rs</sup> of y<sup>e</sup> Estate of Abraham Redwood late of Salem in the County of Essex dec<sup>d</sup> Shewing y<sup>t</sup> part of y<sup>e</sup> s<sup>d</sup> Estate consists of a House & Land in the possession of Christopher Bridges & another House And Land in the Possession of Perry & others as also a Tan Yard all in Marble Head in said County likewise a House & Land in Salem in the possession of Elias Trask, All w<sup>ch</sup> Estate is much out of repair, & therefore praying they may be Enabled to sell it for the Benefit of y<sup>e</sup> heirs.

Legislative  
Records of the  
Council, xv.,  
288.

House Jour-  
nal, p. 35.  
*Ante*, p. 587,  
chap. 15.

Read & in Answer to this Petition

*Ordered*<sup>1</sup> that the petition<sup>rs</sup> (attending the Directions in the Law of the Province empowering Executors or Administ<sup>rs</sup> to sell Land & other real Estate & giving sufficient Security to the Judge of Probate for the County of Essex to account therefore) be & hereby are empowered in their s<sup>d</sup> Capacity to make Sale of the Estate within mentioned & to Execute in due form of Law a Deed or Deeds for the Conveyance thereof to any person or persons that will bid most for the same, the produce thereof to be disposed of as follows, viz<sup>t</sup> the Improvem<sup>t</sup> & Income of one third part thereof to the s<sup>d</sup> Patience Redwood (as she is Widow of the s<sup>d</sup> deceased) during Life (she giving Bond to the s<sup>d</sup> Judge with sufficient Sureties that her Execut<sup>rs</sup> or admin<sup>rs</sup> at her Decease shall pay back y<sup>t</sup> part of the produce which she shall receive to the next of Kin to the Intestate or those who legally represent them) & the remaining Two thirds to be distributed to & among the s<sup>d</sup> Deceased's Children or their legal Represent<sup>ees</sup> in manner as is provided in & by the Act or Law of this province for the Settlem<sup>t</sup> & Distribution of the Estates of Intestates, Provided also that before any such Sale be made the s<sup>d</sup> Judge shall appoint a Gaurdian or Gaurdians over the Children of the s<sup>d</sup> dec<sup>d</sup> under age, to see justice done them in the Sale of the premisses, & take Care of their respective parts & portions therein, & improve the same in such Manner as shall be most for their Benefit & account therefore to the s<sup>d</sup> Judge or the Minors respectively when they are of full Age, or at such other Times as they are thereto lawfully required. Any Law Usage or Custom to the Contrary Notwithstanding. [*Passed July 4.*]

## CHAPTER 40.

VOTE GRANTING WILL<sup>m</sup> COLDRY LIBERTY TO IMPROVE MINES EXCEPT IRON, IN THE PROVINCE.

A PETITION of William Coldry refiner, praying a Grant for himself & his Associates of the Mineral rights of such plats of Mineral Land as he or they shall return into the General Court for the Space of three Years, they to render an Eighth part of y<sup>e</sup> Ore y<sup>t</sup> shall be raised therein to the Treasurer of this province

Legislative  
Records of the  
Council, xv.,  
289.

House Jour-  
nal, pp. 41, 42,  
55.

Read &

<sup>1</sup> The House Journal, p. 35, reads, "Voted."

*Voted* that for the Encouragem<sup>t</sup> of a Design from w<sup>ch</sup> there is such a prospect of publick Advantage without Danger of Loss to the province, there be & hereby is Granted to William Coldry the Memorialist & his Associates mentioned in his Memorial his & their Heirs & Execut<sup>rs</sup> & Admin<sup>rs</sup> & Assigns full & free Liberty of using & improving all such Mines (Iron only excepted) as he or they shall within y<sup>e</sup> space of three Years from this Time discover in the Common & unappropriated Lands belonging to this Province, & (for the ascertaining the places & Extent) shall return plats to this Court, This Grant to be with the following Limitations & on y<sup>e</sup> following Conditions viz. Provided the number of Mines shall not exceed ten & in Case he or they shall within that Space make Discovery of a Greater number that then he or they may return plats of ten such as he shall choose, provided also y<sup>t</sup> no one of his or their plats (w<sup>ch</sup> are to be made by skilful Survey<sup>rs</sup> under Oath with Certificates That the Chaimnen were likewise Sworn) shall Contain more than five Hundred Acres of Land & provided that this Grant shall not be Construed to Convey the Fee or property of any Land but only the Use of the Mines & to Wood & water either for y<sup>e</sup> Improvem<sup>t</sup>s of the Mines or the Ore when severed from the Earth & to have Liberty of Egress & Regress. Yet if afterwards it shall be made manifest to this Court that there is a Mine within any of y<sup>e</sup> plats return'd as afores<sup>d</sup> y<sup>t</sup> then they will Grant to y<sup>e</sup> s<sup>d</sup> Coldry & Associates the Fee of so much Land as they shall judge does contain such Mine, & as they shall think needful for draining & for necessary Buildings &c. on the same Conditions y<sup>t</sup> this Grant of Liberty is made, Provided also y<sup>t</sup> he or they shall within the space of five Years from the Time open & improve at least two of y<sup>e</sup> Mines w<sup>ch</sup> He or they shall Discover & of w<sup>ch</sup> He or they shall return plats as afores<sup>d</sup> & within sutable & convenient Time shall open & improve the others, or so many as he or they shall return plat of, & continue the Improvem<sup>t</sup> thereof, & in Case He, his Associates, his or their Heirs Execut<sup>rs</sup> Administ<sup>rs</sup> & Assigns shall fail of opening & Improving as afores<sup>d</sup> or shall desist from the Improvem<sup>t</sup> of such as he or they shall open by the Space of five Years, that thenceforward his & their Liberty to Use & Improve such Mines, where such failure happens, shall cease & determine: Lastly, provided the s<sup>d</sup> Coldry or his Associates his or their Heirs Execut<sup>rs</sup> Administ<sup>rs</sup> or Assigns do deliver to such person or persons as shall be from Time to Time appointed by this Court to receive it, One full Eighth part as to Quantity & Quality of the Ore raised or dug from Each of the s<sup>d</sup> Mines well dress'd, & merchantable clear of all Charges & Deductions of the fifth of royal Ore, The s<sup>d</sup> Eighth part of the Ore to be delivered on the Land near the Mine by y<sup>e</sup> Book keeper or such other person upon Oath as this Court shall Direct, such Delivery to be made once in Each Year, & oftner if it be found needful. And in Case the s<sup>d</sup> Coldry & Associates, his & their Heirs Execut<sup>rs</sup> Administ<sup>rs</sup> & Assigns shall neglect or refuse to deliver the Eighth part of Ore as afores<sup>d</sup> when Demanded that then his & their Liberty of using & improving such Mine shall ceas & forever determine. [*Passed July 4.*]

## CHAPTER 41.

ORDER ALLOWING THE ACC<sup>T</sup> OF Y<sup>E</sup> COUNTY TREAS<sup>R</sup> OF BARNSTABLE.

AN ACCOMPT of Ebenezer Lewis Treasurer of the County of Barnstable for y<sup>e</sup> year 1731. having been laid before the Court of General Sessions of the peace for s<sup>d</sup> County & by 'em allowed

Read & Accepted &

*Ordered* that this Accompt be allowed accordingly. [*Passed July 4.*]

Legislative  
Records of the  
Council, xv.,  
290.

House Jour-  
nal, pp. 11, 54.

## CHAPTER 42.

ORDER, ADDING M<sup>R</sup> CHOATE TO Y<sup>E</sup> COMM<sup>TEE</sup> FOR NORTH YARMOUTH.

*Voted* y<sup>t</sup> M<sup>r</sup> Choate be added to y<sup>e</sup> Comm<sup>tee</sup> for bringing forward the Settlem<sup>t</sup> of North Yarmouth in the room of Samuel Welles Esq<sup>r</sup> who was chosen but declines that Service. [*Passed July 4.*]

Legislative  
Records of the  
Council, xv.,  
290.

House Jour-  
nal, p. 54.  
*Ante*, p. 639,  
chap. 23.

## CHAPTER 43.

ORDER DIRECTING THE TREAS<sup>R</sup> TO ADVANCE £500 FOR THE INTERVIEW WITH THE EASTERN INDIANS.

*Ordered* y<sup>t</sup> M<sup>r</sup> Treasurer Allen be & hereby is directed to advance & pay out of the Indian Stock for Trade y<sup>e</sup> Sum of Five Hundred pounds to be ns'd & employed in purchasing such other provisions & Stores &c. as may be thought necessary & convenient for y<sup>e</sup> Use of his Excellency & the Gentlemen who shall attend him at y<sup>e</sup> Interview.<sup>1</sup> [*Passed July 4.*]

Legislative  
Records of the  
Council, xv.,  
290.

Legislative  
Records of the  
Council, xv.,  
254, 266, 273, 279,  
280, 286, 287.  
House Jour-  
nal, pp. 35, 40,  
54, 55.

## CHAPTER 44.

VOTE ON EMPOWERING THE ASSESSORS OF BIDDEFORD TO LEVY AND COLLECT A TAX OF HALF PENNY PER ACRE FOR THREE YEARS ON UNIMPROVED LANDS.

A PETITION of John Gordon Agent for the Town of Biddeford, praying y<sup>t</sup> they may be allowed to lay a reasonable Tax on y<sup>e</sup> unimproved Lands there for the maintenance of y<sup>e</sup> ministry & School, & complaining of the Officers of y<sup>e</sup> Forts there stopping the Course of the Fish up y<sup>e</sup> River praying releif from this Court

Read &

*Voted* y<sup>t</sup> y<sup>e</sup> unimproved Lands in the Town of Biddeford belonging either to the Resident or Non resident proprietors be Subject to a Tax of one half penny p acre p Annum for three years next (inclusive of the present) for y<sup>e</sup> defraying the ministerial Charges & also y<sup>t</sup> of y<sup>e</sup> School as within mentioned & y<sup>t</sup> y<sup>e</sup> Assessors be impowered to Assess y<sup>e</sup> s<sup>d</sup> Tax, & the Constables or Collectors of s<sup>d</sup> Town required to Collect y<sup>e</sup> same accordingly Any Law, Usage, or Custom to y<sup>e</sup> Contrary Notwithstanding. [*Passed July 4.*]

Legislative  
Records of the  
Council, xv.,  
291.

House Jour-  
nal, pp. 43, 53.

<sup>1</sup> With Eastern Indians. See marginal references to House Journal.

## CHAPTER 45.

## ORDER ON ESTABLISHING A PRECINCT ON THE SOUTH SIDE OF MOUNT HOLYOKE.

Legislative  
Records of the  
Council, xv.,  
291.

House Jour-  
nal, p. 53.  
*Ante*, p. 243,  
chap. 56.

A PETITION of the precinct in Hadly on y<sup>e</sup> Sontherly side of Mount Holyoke, praying that their precinct may be Established & Confirmed altho they have not been able to settle a Minister among them within the Time limited by the Court. & that they may have further Time allowed them for Settling a Minister      Read &

*Ordered* y<sup>t</sup> y<sup>e</sup> prayer of the petition be granted & that the s<sup>d</sup> precinct is hereby established & confirmed as fully as when it was first Erected & that they have two Years more time to be accounted from y<sup>e</sup> first day of August next for the Settlem<sup>t</sup> of a learned orthodox Minister among them, the former Ord<sup>r</sup> of this Court notwithstanding. [*Passed July 4.*]

## CHAPTER 46.

## ORDER IMPOWERING JOHN HOBART TO SURVEY AND LAY OUT 300 ACRES OF LAND.

Legislative  
Records of the  
Council, xv.,  
291.

House Jour-  
nal, p. 52.

A PETITION of John Hobart of New London in the Colony of Connecticut Grandson of peter Hobart of Hingham dec<sup>d</sup> praying Liberty to lay out a Grant of three Hundred acres of Land made to his s<sup>d</sup> Grandfather in the Year 1661, by the General Court, the same being devised to his Father, the s<sup>d</sup> Land not being yet taken up & confirmed      Read &

*Ordered* y<sup>t</sup> the prayer of the petition be granted, & the petition<sup>r</sup> is allow'd by a Survey<sup>r</sup> & chainmen on Oath to lay out Five<sup>1</sup> Hundred Acres of y<sup>e</sup> unappropriated Lands of this province to Satisfy the Grant if not before Satisfied, & to return a Plat to this Court within six months for Confirmation. [*Passed July 5.*]

## CHAPTER 47.

## ORDER OF NOTICE ON MARTHA BROWN'S PETITION PRAYING FOR A REVIEW OF A JUDGMENT AND STAY OF EXECUTION.

Legislative  
Records of the  
Council, xv.,  
292.

House Jour-  
nal, pp. 13, 56.

A PETITION of Martha Brown of Boston Spinster shewing y<sup>t</sup> one Jonathan Cole of Eastham brought an Action against her at y<sup>e</sup> Inferiour Court at Barnstable in January last, but no Writ was returned, that the Court continued the Action to March last, when the Writ being returned Judgm<sup>t</sup> went against her for £15. 15. 1 & Cost. & Execution is issued accordingly, Praying that the s<sup>d</sup> Judgm<sup>t</sup> & Execution may be set aside & y<sup>e</sup> plant<sup>f</sup> put to his new Writt.      Read &

*Voted* y<sup>t</sup> the petition<sup>r</sup> serve y<sup>e</sup> adverse party with a Copy of this petition, that he shew Cause on y<sup>e</sup> first Thur[s]day of the next sitting of this Court, why the prayer thereof sh<sup>d</sup> not be granted. [*Passed July 5.*]

<sup>1</sup> The House Journal reads, "three."



## CHAPTER 48.

ORDER FOR ENCOURAG<sup>g</sup> MISSIONARIES.

IN ANSWER to that part of His Excellency's Speech wh<sup>ch</sup> respects the pious Design of the Society in Scotland for propogating Christian knowledge

Legislative  
Records of the  
Council, xv.,  
292.

*Ordered* that for the Encouraging the pious Design of y<sup>e</sup> Society in Scotland for propogating Christian Knowledge, who are desirous to promote that excellent Work in this province by sending Missionaries among the Indians to Instruct them in y<sup>e</sup> true principles of Religion, there be allowed & paid out of the publick Treasury to three Gentlem<sup>n</sup> that shall engage in & perform the Work & Duty of Missionaries, One Hundred pounds for y<sup>e</sup> space of five Years to Each p<sup>r</sup> Annum, Provided their usual place of residence shall be at the Truck House on S<sup>t</sup> George's River, Fort Richmond & the Blockhouse above Northfeild & there perform the Office & Duty of Chaplains as well as that of y<sup>r</sup> Mission or at such other Forts or Places, as the Court shall Order & appoint sutable for the carrying on this Work, & that a Design calculated for such good Ends & purposes may be long continued It is hereby further

Legislative  
Records of the  
Council, xv.,  
254, 287. House  
Journal, p. 36.

*Ordered & Agreed* on by this Court y<sup>t</sup> the person or persons undertaking the afores<sup>d</sup> Business & Continuing in y<sup>e</sup> due Execution thereof for the space of Five Years, shall at the Expiration have & receive out of y<sup>e</sup> publick Treasury y<sup>e</sup> Sum of One Hundred pounds over & above his Allowance or annual pay & Subsistence. [*Passed July 5.*]

## CHAPTER 49.

VOTE ALLOWING THE ACC<sup>t</sup> OF THE COUNTY TREAS<sup>r</sup> OF YORK.

AN ACC<sup>t</sup> of Joseph Moodey Esq<sup>r</sup> Treasurer of the County of York having been laid before the Court of General Sessions of the peace for y<sup>e</sup> s<sup>d</sup> County & by them Allowed.

Legislative  
Records of the  
Council, xv.,  
292.

Read &

*Voted* y<sup>t</sup> the Acc<sup>t</sup> be allowed & y<sup>t</sup> M<sup>r</sup> Sheriff Moulton be directed to reimburse the Treasury the Sum of three pounds received for Venires, & that the Justices of the Court of General Sessions of y<sup>e</sup> peace for y<sup>e</sup> County of York be directed to add thirty Shillings to the Town of Falmouth's proportion of the next County Tax agreeable to the Committees Report. [*Passed July 5.*]

House Jour-  
nal, pp. 11, 55.

## CHAPTER 50.

ORDER IMPOWERING W<sup>m</sup> HACK TO SURVEY AND LAY OUT 150 ACRES OF LAND.

A PETITION of William Hack of Taunton praying for a Grant of some of the unappropriated Lands in this Province in Consideration of his great Losses & Sufferings in the Expedition against Canada in the Year. 1690. Read &

Legislative  
Records of the  
Council, xv.,  
293.

*Ordered* that the petition<sup>r</sup> be allowed by a Survey<sup>r</sup> & chainmen on Oath to survey & lay out One hundred & fifty Acres of the unappro-

House Jour-  
nal, p. 55.

priated Lands of the province & return a plat thereof to this Court within Twelve Months for Confirmation, in Answer thereto. [*Passed July 6.*]

## CHAPTER 51.

### VOTE ACCEPTING A PLAT OF 300 ACRES OF LAND TO Y<sup>E</sup> HEIRS OF MAJOR TYNG.

Legislative  
Records of the  
Council, xv.,  
233.

House Jour-  
nal, p. 57.  
*Ante*, p. 561,  
chap. 52.

A PLAT of three Hundred Acres of Land lying on Pesumscot River at the head of the Township of Falmouth survey'd by John East Survey<sup>r</sup> & two Chain Men on Oath to fulfil a Grant made by the General Court at their Session held y<sup>e</sup> 10<sup>th</sup> of Feb<sup>y</sup> 1730. to y<sup>e</sup> Heirs of Major William Tyng dec<sup>d</sup> Read & Accepted &

*Voted* y<sup>t</sup> the Lands herein delineated & described be & hereby are confirmed to y<sup>e</sup> Heirs of Maj<sup>r</sup> William Tyng dec<sup>d</sup> Provided it exceeds not the Quantity of three hundred Acres nor interferes with any former Grant. [*Passed July 6.*]

## CHAPTER 52.

### ORDER ALLOWING THE COUNTY TREAS<sup>R</sup> OF MIDDLESEX HIS ACC<sup>T</sup>.

Legislative  
Records of the  
Council, xv.,  
233.

House Jour-  
nal, pp. 11, 58.

AN ACC<sup>T</sup> of Daniel Russel Esq<sup>r</sup> Treasurer of the County of Middlesex for y<sup>e</sup> Year. 1731. having been laid before the Court of Gen<sup>l</sup> Sessions of the peace for s<sup>d</sup> County & by them Allowed.

Read &

*Ordered* that this Acc<sup>t</sup> be allowed & that M<sup>r</sup> Sheriff Foster be directed to reimburse the County Treasurer the Sum of five pounds seven shillings rec<sup>d</sup> for Venires, & M<sup>r</sup> Clerk Phips the Sum of Twenty eight Shillings rec<sup>d</sup> for Warrants for y<sup>e</sup> County Tax. [*Passed July 6.*]

## CHAPTER 53.

### VOTE FOR Y<sup>E</sup> WAGES OF Y<sup>E</sup> COMP<sup>A</sup> TO ATTEND THE GOV<sup>R</sup>.

Legislative  
Records of the  
Council, xv.,  
233.

House Jour-  
nal, p. 42.  
*Ante*, p. 667,  
chap. 43.

*Voted* that His Excellency y<sup>e</sup> Govern<sup>r</sup> & Cap<sup>t</sup> General be desired to Give his Order for y<sup>e</sup> inlisting a Company of sixty men out of y<sup>e</sup> County of York to attend him as a Gaurd at y<sup>e</sup> proposed Interveiw with y<sup>e</sup> Eastern Indians, Their pay or Establishm<sup>t</sup> To be as follows. Viz. The Cap- tain to receive ten pounds p Month The Lieutenant. six pounds ten Shillings p month The Ensign five pounds ten Shillings p month The Serjeants five pounds p month The Corporals Four pounds fifteen Shillings p month The private Centinels three Shillings p Diem to be paid out of y<sup>e</sup> Stock for carrying on the Indian Trade. [*Passed July 6.*]

## CHAPTER 54.

ORDER ABT TRYING Y<sup>E</sup> ACTIONS OF PALATINES.

WHEREAS there are one or more Actions or Suits depending between Jacob Lob master of the Ship loving Unity lately arrived from Rotterdam & sundry palatines by him transported from thence into this province, W<sup>ch</sup> are to be heard & tried at an Inferiour Court of Common pleas to be held at Edgartown within & for y<sup>e</sup> County of Dukes County on the last Tuesday of October next, from w<sup>ch</sup> an Appeal may ly to y<sup>e</sup> Superior Court of Judicature to be held at Barnstable, which will not be till April next, & y<sup>e</sup> detaining the s<sup>d</sup> Palatines (who were at their first Shipping design'd for Pennsylvania for so long a time & are now imprisoned for Answering the s<sup>d</sup> Suits) may be of very great prejudice to them, if not to their utter ruin, Wherefore for expediting y<sup>e</sup> s<sup>d</sup> Affair,

*Ordered* y<sup>t</sup> there may & shall be an Inferiour Court of Common pleas held at Edgartown afores<sup>d</sup> for y<sup>e</sup> hearing & trying the Action or Actions afores<sup>d</sup> on y<sup>e</sup> second Tuesday of Aug<sup>st</sup> next at ten of y<sup>e</sup> Clock in y<sup>e</sup> forenoon of the s<sup>d</sup> Day by the present Justices of y<sup>e</sup> Inf<sup>r</sup> Court for y<sup>e</sup> s<sup>d</sup> County or others thereunto lawfully appointed, & y<sup>t</sup> y<sup>e</sup> Writt or Writts served on y<sup>e</sup> s<sup>d</sup> Palatines by y<sup>e</sup> s<sup>d</sup> Jacob Lob & returnable to y<sup>e</sup> Inf<sup>r</sup> Court to be held at Edgartown on y<sup>e</sup> last Tuesday of October next, shall be returned by y<sup>e</sup> Sheriff of s<sup>d</sup> County to y<sup>e</sup> Clerk's Office of s<sup>d</sup> Inf<sup>r</sup> Court at or before y<sup>e</sup> s<sup>d</sup> Second Tuesday in August & the Clerk of y<sup>e</sup> s<sup>d</sup> Inf<sup>r</sup> Court is hereby impowered & directed seasonably to issue out in due form of Law Warrants or Venires directed to the Constables of the respective Towns, within y<sup>e</sup> s<sup>d</sup> County to Assemble the Freeholders & for y<sup>e</sup> Choice of a sufficient Number of good & lawful men to serve as Jury men at the s<sup>d</sup> Inf<sup>r</sup> Court for y<sup>e</sup> Trial of the s<sup>d</sup> Action or Actions, & thes<sup>d</sup> Court is hereby directed & impowered to proceed to hear & try y<sup>e</sup> same & give judgm<sup>t</sup> & award Execution thereon accordingly: & y<sup>t</sup> if either party plant. or Def<sup>t</sup> shall appeal from y<sup>e</sup> Judgm<sup>t</sup> of the s<sup>d</sup> Inf<sup>r</sup> Court & recognize according to Law to prosecute his or their s<sup>d</sup> Appeal, It shall be made to y<sup>e</sup> next Sup<sup>r</sup> Court of Judicature to be held on y<sup>e</sup> Second Tuesday in Sept<sup>r</sup> next at Bristol for y<sup>e</sup> County of Bristol. The Appell<sup>ts</sup> reasons of Appeal being filed in y<sup>e</sup> Clerks Office according to Law & And<sup>1</sup> the s<sup>d</sup> Superior Court are hereby impowered & directed to hear try & determine y<sup>e</sup> s<sup>d</sup> Action or Actions, give Judgm<sup>t</sup> & award Execution accordingly, Any Law, Usage or Custom to the Contrary Notwithstanding.<sup>2</sup> [*Passed July 7.*]

Legislative  
Records of the  
Council, xv.,  
294.

Legislative  
Records of the  
Council, xv.,  
271. House  
Journal, pp. 59,  
60. *Ante*,  
p. 631, chap.  
122.

## CHAPTER 55.

VOTE ON HASSANIMISCO PROPRIET<sup>RS</sup> PETITION RELATIVE TO THE COLLECTION OF DUES.

A PETITION of Samuel Chandler & others a Comm<sup>tee</sup> for y<sup>e</sup> Proprietors of Hassanimisco praying y<sup>t</sup> effectual provision may be made to Oblige all the forty Familis Settled there to pay y<sup>r</sup> proportion to y<sup>e</sup> Charges of y<sup>e</sup> s<sup>d</sup> Place. Read &

*Voted* y<sup>t</sup> four fifth parts of y<sup>e</sup> Charges y<sup>t</sup> have arisen or shall arise

Legislative  
Records of the  
Council, xv.,  
295.

House Jour-  
nal, pp. 6, 12  
(April, 1729);

<sup>1</sup> *Sic.*

<sup>2</sup> This action first took place in the Council, though the Secretary's record closes, "In Council Read & Concur'd." The House Journal shows that the House of Representatives concurred.

pp. 54, 57, 58.  
Province  
Laws, ii., 467,  
chap. 14.  
*Ante*, p. 169,  
chap. 88; p. 343,  
chap. 128.

in s<sup>d</sup> plantation by their complying with the Act of the General Court in their General Session at Boston Novem<sup>r</sup> 22<sup>d</sup> 1727. Chap: XVII be levied in equal parts on the forty Allotm<sup>ts</sup> or Rights originally granted & in Case of Non paym<sup>t</sup> for thirty days next after the Assessment shall be made & posted up in some publick place in s<sup>d</sup> Hassanimisco, the Collector or Collectors for y<sup>e</sup> Time being appointed by y<sup>e</sup> s<sup>d</sup> forty propriet<sup>rs</sup> in s<sup>d</sup> Hassanimisco or the Major part of them. shall have power. & are hereby directed to Sell to y<sup>e</sup> highest Bidder so much of the Land belonging to the Allotm<sup>t</sup> where the Neglect is, as shall satisfy s<sup>d</sup> assessm<sup>t</sup> & necessary Charges, the Overplus if any there be to be returned to the propriet<sup>r</sup>, the Collector, or Collectors having before posted up the intended Sale for thirty days in some publick Place in s<sup>d</sup> Hassanimisco. And whereas there were nine Families which were formerly settled within y<sup>e</sup> Bounds of s<sup>d</sup> Hassanimisco, who were Ordered by this Court to pay a fifth part of y<sup>e</sup> Charge of s<sup>d</sup> Hassanimisco & were also directed by this Court at their Session. April 10, 1729. to choose Assessors to be under Oath, to proportion the s<sup>d</sup> fifth part to & among said Nine Families, who have Neglected to Conform to s<sup>d</sup> Order. It is hereby Directed in Case s<sup>d</sup> Nine Families sh<sup>d</sup> neglect or refuse for the space of two months from this Time to pay w<sup>t</sup> may be due as their proportion y<sup>t</sup> then the Collector or Collect<sup>rs</sup> appointed by s<sup>d</sup> forty Propriet<sup>rs</sup> shall make distress on the persons or Estates of s<sup>d</sup> Families for their fifth part of the Charge of s<sup>d</sup> Hassanimisco in such proportion as he or they such Collector or Collectors shall judge most equitable, Any Law Usage, or Custom to the Contrary Notwithstanding. [*Passed July 7.*]

## CHAPTER 56.

### ORDER IMPOWERING JOHN JEFFRIES ESQ<sup>R</sup> & EBEN: WENTWORTH TO SELL REAL ESTATE.

Legislative  
Records of the  
Council, xv.,  
295.

House Jour-  
nal, p. 59.

A PETITION of John Jeffries of Boston Merch<sup>t</sup> Gaurdian of David Jeffries a Minor & of Ebenezer<sup>r</sup> Wentworth of Portsmouth Merch<sup>t</sup> Gaurdian of his three Children. Samuel David & Eben<sup>r</sup> by his Wife Rebecca dec<sup>d</sup> all minors, praying that they may be Impowered to join with y<sup>e</sup> other Heirs in selling a Farm called Ten hills in Charlestown, & a brick House in Boston in the Occupation of M<sup>r</sup> Benj<sup>a</sup> Eliot w<sup>ch</sup> they now hold in Common with their Uncle & Aunts.

Read &

*Ordered* y<sup>t</sup> the prayer of the petition be granted, & the petition<sup>rs</sup> in their s<sup>d</sup> Capacity are hereby allowed & impowered to join with the other Owners of y<sup>e</sup> real Estate within mentioned in making Sale of y<sup>e</sup> same & therein to observe the Directions of the Law of the province Impowering Execut<sup>rs</sup> & Administ<sup>rs</sup> to Sell Land & other real Estate. & out of the produce of the same to discharge all the Incumbrances on the Estate the Residue thereof to be divided to & among the Heirs at Law. saving the Widow's thirds & that the petition<sup>rs</sup> give Bond severally with good Security to the Judge of probates for the Counties of Suffolk & Middlesex to be answerable for the s<sup>d</sup> Minors parts of the produce arising by the Estate, to improve the same in y<sup>e</sup> best manner for their Use and Advantage, The principal to be paid them as they Arrive to lawful Age. [*Passed July 7.*]

## CHAPTER 57.

## VOTE APPOINTING A COMMITTEE ON YE AFFAIR OF YE LINE ON RHODE ISLAND.

In the House of Represent<sup>ves</sup>

*Voted* that Samuel Welles Esq<sup>r</sup> M<sup>r</sup> Tho<sup>s</sup> Cushing John Wainwright Esq<sup>r</sup> M<sup>r</sup> Edward Shove, & Cp<sup>t</sup> John Foster with such as the Hon<sup>ble</sup> Board shall Appoint be a Comm<sup>tee</sup> to lay before the Commission<sup>rs</sup> appointed to settle y<sup>e</sup> Line or boundary between this province & the Colony of Rhode Island, the Right this province hath to the Gore of Land in Controversy between the two Governm<sup>ts</sup> & to receive y<sup>e</sup> Determination of the Commission<sup>rs</sup>. A Major Part of the Comm<sup>tee</sup> to be a Quorum In Council Read & Concur'd, And Samuel Thaxter Will<sup>m</sup> Dudley, Will<sup>m</sup> Clarke & Eben<sup>r</sup> Burrill are join'd in the Affair. [*Passed July 7.*<sup>1</sup>

Legislative  
Records of the  
Council, xv.,  
296.House Jour-  
nal, p. 59.  
Province  
Laws, ii., 665,  
chap. 16.  
*Ante*, p. 655,  
chap. 14.

## CHAPTER 58.

## ORDER ON NARRAGANSETT SOLDIERS PETITION.

A PETITION of a Comm<sup>tee</sup> for the Narraganset Soldiers, Shewing that there are the Number of Eight Hundred & forty persons Enter'd as Officers & Soldiers in the late Narraganset War, Praying that there may be such an Addition of Land granted to them as may allow a Tract of six miles Square to Each One Hundred & Twenty men so admitted

Read and

*Ordered* that the prayer of the petition be granted and maj<sup>r</sup> Chandler m<sup>r</sup> Edward Shove Coll<sup>le</sup> thomas Tilliston M<sup>r</sup> John hobson And m<sup>r</sup> sam<sup>l</sup> Chandler or any three of them be a Committee fully Authorised and Impowered to survey and lay out five more Tractes of land for townships of the Contents of six miles Square Each in some of the unappropriated lands of this province And that the said lands to Gather with the townships Before Granted be granted and disposed to the officers and souldiers who wear in the Narragansett War or to their law full Representatives as they are and have been allowed by this Court Being Eight hundred and forty in Number in the whole and is in full satisfaction of the Grant formerly made them by the General Court as a Reward for their publick services and the Grantees shall be obliged to assemble within as short atime as They Can Conveniently Not Exceeding the space of two Months and proceed to the Choise of Committees Respectively to Regulate Each propriety or town ship which is to be held and InJoyed by one hundred and twenty of the Grantees Each and in Equeal proportion who shall pass such orders and Rules as Will Effectually oblige them to settle sixty families att least In Each township with a Learned Ortherdox Minister within the space of seven years from the Date of this Grant provided allways That if the Grantees shall not Effectually settle the said Number of families In Each town ship and also lay out a lott for the first settled Minister one for the Ministry and one for the Schoole in Each of the said town ships they shall have no Advantage of but

Legislative  
Records of the  
Council, xv.,  
387. Mass.  
Archives, cxv.,  
761.Mass.  
Archives, cxv.,  
760, 767. House  
Journal, p. 12  
(April, 1729);  
pp. 139, 140  
(December,  
1730); p. 13  
(February,  
1730); pp. 63,  
70 (January,  
1731); p. 13  
(June, 1732);  
p. 139 (April,  
1733); p. 51.  
*Ante*, p. 654,  
chap. 11.<sup>1</sup> Adjourned to November 1. See Legislative Records of the Council, xv., 296.

for fit their Respective Grants any thing to the Contrary Contained Notwithstanding the Charge of survey to be paid by the province. [*Passed June*<sup>1</sup> 7.

## CHAPTER 59.

ORDER ON PETIT: OF JOHN SWEATLAND FOR PAYMENT OF COSTS IN A SUIT BY THE GOVERNMENT OF RHODE ISLAND.

Legislative  
Records of the  
Council, xv.,  
302.

House Jour-  
nal, pp. 66, 67.  
*Ante*, p. 651,  
chap. 2.

A PETITION of John Sweatland & John Robins two of the former Constables of the Town of Attleborô, Shewing that on the 25 of October last as they were in the Execution of their Office, in Collecting Rates, in that part of the Town called the Gore, they made Distress on the Goods of one Ann Allen, when one Jonathan Jones a Constable of Smithfeild in the Colony of Rhode Island aided with seven Men seized upon the petition<sup>rs</sup> rescued the Goods they had distrained on for Taxes as afores<sup>d</sup> & covented them before five Justices of the peace of the s<sup>d</sup> Governm<sup>t</sup> of Rhode Island by whom They were Committed to the Common Goal in Providence where they are put to Extraordinary Difficulties & Charges, Praying for Relief in the premisses from this Court.

Read &

*Ordered* that what Cost & Charge the Petition<sup>rs</sup> may be subjected to by the posecution<sup>2</sup> designed gainst them by the Government of Rhode Island shall be defrayed out of the publick Treasury of this province & that M<sup>r</sup> Elkanah Leonard appear on behalf of this Governm<sup>t</sup> at the Court & Courts in the Colony in Order to Justify the Petition<sup>rs</sup> when the trial may come on. [*Passed November* 3.

## CHAPTER 60.

ORDER ANNEXING 50 ACRES OF LAND TO SOUTHBORÔ.

Legislative  
Records of the  
Council, xv.,  
303.

House Jour-  
nal, p. 67.  
Province  
Laws, ix., 672,  
chap. 53.

A PETITION of Isaac Bellows of Southborô, Shewing that heis seized of Fifty Acres of Land (being a Grant formerly made to Tho<sup>s</sup> How Esq<sup>r</sup>) which lies between Westborô & Hopkinton & without the Bounds of any Town, but contiguous to the Town of Southborô, & therefore praying that the s<sup>d</sup> Peice of Land may be made a part of Southborô

Read &

*Ordered* that the prayer of the petition be granted, And the s<sup>d</sup> Fifty Acres of Land is hereby annexed to & declared as part of the Township of Southborô for the future Provided it does not already ly in the Bounds of any other Town. [*Passed November* 4.

<sup>1</sup> A mistake, it seems, perhaps for July. The date (June 7) is according to Mass. Archives; according to both copies of Legislative Records of the Council the date is April 26, 1733, but this last-mentioned date is apparently that of the Governor's consent. There is a confusion of dates in most of the records of this matter, none of which appear to be originals. One record (Mass. Archives, cxv., 767) states that the Governor's consent was on April 26, 1732. According to the House Journal the House of Representatives passed the order and sent it up for concurrence on June 30, 1732.

<sup>2</sup> *Sic.*

## CHAPTER 61.

VOTE CONFIRMING A PLAT OF 1,000 ACRES OF LAND TO THE HEIRS  
OF W<sup>M</sup> TAILER ESQ<sup>R</sup> DEC<sup>D</sup>.

A PLAT of One thousand Acres of Land to fulfill a Grant made by this Court at their last Session, to the Widow & Children of the late Hon<sup>ble</sup> William Tailer Esq<sup>r</sup> surveyed by Jonas Houghton Survey<sup>r</sup> being bounded Westerly by Connecticut River & every Way else by unappropriated Lands, Beginning at an Elm Tree wh<sup>ch</sup> stands on the East side of said River over against the upper End of the equivalent Land, W<sup>ch</sup> lies on the West Side of s<sup>d</sup> River & running East by the Needle two Hundred & four Perch to a White Pine, then North one Degree West six hundred & ten Perch, then West Two Hundred & thirty perch to the River, & then running down along by s<sup>d</sup> River to where it first began

Read and Accepted and

*Voted* That the Lands within delineated and described be and hereby Are confirmed to the Widdow & Children of the late honourable William Tailer Esq<sup>r</sup> deceased their heirs & assigns respectively, provided it exceeds not the quantity of One thousand Acres nor does not interfere with any former Grant. [*Passed November 14.*]

Legislative  
Records of the  
Council, xv.,  
306. Maps and  
Plans, Mis.,  
vii., 16.

Maps and  
Plans, Mis.,  
vii., 16. House  
Journal, p. 71.  
*Ante*, p. 655,  
chap. 13.

## CHAPTER 62.

ORDER ALLOWING THE COUNTY TREASURER OF BRISTOL HIS ACCT<sup>T</sup>.

AN ACCOMPT presented by Timothy Fales<sup>1</sup> Esq<sup>r</sup> Treasurer of the County of Bristol for the Year, 1731. having been laid before the Court of General Sessions of the peace for the s<sup>d</sup> County & by them allowed.

Read & Accepted And

*Ordered* that that<sup>2</sup> this Accompt be allowed. [*Passed November 15.*]

Legislative  
Records of the  
Council, xv.,  
307.

House Jour-  
nal, p. 72.

## CHAPTER 63.

VOTE CONFIRMING A PLAT OF 300 ACRES OF LAND GRANTED M<sup>R</sup> PETER  
HOBART.

A PLAT of three hundred Acres of Land laid out by Benjamin Flagg Survey<sup>r</sup> & two Chain men under Oath to fulfill a Grant made by the General Court of the late Colony of the Massachusetts Bay in the Year. 1661. to M<sup>r</sup> Peter Hobart Lying partly between a Farm belonging to M<sup>r</sup> John Read, & a Farm of Samuel Partridge Esq<sup>r</sup> near & adjoining to a place called Podaquoduck the first Angle beginning a small pitch pine Tree, being the Northwesterly Corner of the s<sup>d</sup> partridge's Farm, & running East & by North Two Hundred & Sixty rods by M<sup>r</sup> Read's s<sup>d</sup> farm to a white Oak Tree mark'd, Second Angle South & by East Two Hundred & Seventy Eight Rods & an half by unappropriated Land to a heap of Stones, third Angle West & by South Two Hundred Twenty & Six Rods by unappropriated Lands to Stones in Coll: Partridge's Line, fourth Angle North thirty Degrees East as said Par-

Legislative  
Records of the  
Council, xv.,  
307. Maps and  
Plans, Mis.,  
vii., 23.

Maps and  
Plans, Mis.,  
vii., 23 *bis*.  
House Jour-  
nal, p. 73.  
*Ante*, p. 668,  
chap. 46.

<sup>1</sup> The House Journal reads, "*Samuel Howland.*"

<sup>2</sup> *Sic.*

tridge's Land runs, One Hundred & eighty six Rods to a Crotched White Oak, fifth Angle aright Angle by s<sup>d</sup> Partridges Farm Two Hundred & twelve Rods to the Pitch pine Tree first mentioned

Read and Accepted and

*Noted* that the Lands within delineated and described be and hereby are confirmed to the Heirs or lawfull Representatives of the said Rev<sup>d</sup> M<sup>r</sup> peter Hobart deceased and their Assigns to satisfie the Grant within-mentioned provided it exceeds not the quantity of Land mentioned in the plan, nor does not<sup>1</sup> interfere with any former Grant. [*Passed November 16.*]

## CHAPTER 64.

### ORDER ON CREATING A SEPARATE PRECINCT IN PLIMPTON.

Legislative  
Records of the  
Council, xv.,  
308.

House Jour-  
nal, p. 72.  
*Ante*, p. 662,  
chap. 32.

WILLIAM CLARKE Esq<sup>r</sup> from the Comm<sup>tee</sup> of both Houses on the petition of divers Inhabitants of Plimpton gave in the following Report Viz<sup>t</sup>

By the foregoing Order the Comm<sup>tee</sup> have repaired to the Town of Plimpton & have perambulated & carefully veiwed the Lands petitioned for to be a Township or Precinct with the other parts of the Town of Plimpton After wh<sup>ch</sup> the Inhabitants of the s<sup>d</sup> Town appeared, whose Allegations for & against the Prayer of the petition we fully heard & Considered, & upon the whole are of Opinion, that the prayer of the petition be Granted, the petitioners paying one third part of the aged & Rev<sup>d</sup> M<sup>r</sup> Cushman's Salary during his Life as it appears to us they are onethird part of the rateable Estate of the said Town,

WILLIAM CLARKE p<sup>r</sup> Order

In Council Read &

*Ordered* that this report be accepted & that y<sup>e</sup> petition<sup>rs</sup> with their Estates & Families be sett off aseparate precinct by the following Boundaries. viz. Beginning at the Line of Plimouth or Kingston, where a West Line from thence will Strike the Head of Annasnappet Brook, & thence in a strait Line to the North side of the Land of Jabez Eddy, where he now dwells, & from thence on the same Range to the Line of Middleborô & so Home to Rochester, And that the Inhabitants of the s<sup>d</sup> Precinct be vested with all the powers priviledgs & Immunities that other Precincts within this province do or by Law ought to Enjoy.

In the House of Represent<sup>ves</sup> Read & Concur'd, provided y<sup>t</sup> Edmund Tilson & the five other petitioners with him viz. Isaac Nye Elisha Wyton, Eleazar Cushman Eleazar Richard & Ephraim Tilson be and remain to the old precinct according to their petition & until the further Order of this Court, & also that the Ministerial Lands belonging to the Old precinct shall still solely remain to them & the new precinct to have none of the Issues & profits thereof:

In Council Read & Concur'd. [*Passed November 16.*]

## CHAPTER 65.

### VOTE APPOINTING A COMMITTEE ON METHUEN PETITION FOR A GRANT OF LAND.

Legislative  
Records of the  
Council, xv.,  
308.

A PETITION of the Inhabitants of the Town of Methuen setting forth that there is a Tract of province Lands within the Bounnds of their Town & are commodiously situated for the petition<sup>rs</sup> Improvem<sup>t</sup> & therefore

<sup>1</sup> This word is underlined in Mass. Archives.



praying that y<sup>e</sup> said Lands may be disposed of to the Petition<sup>rs</sup> for such a Consideration as this Court shall Judge proper In the House of Represent: Read &

House Jour-  
nal, pp. 72, 73.

*Voted* that M<sup>r</sup> John Choate & M<sup>r</sup> John Hobson with such as the Hon<sup>ble</sup> Board shall appoint be a Comm<sup>tee</sup> to repair to the Lands petitioned for, that they veiw the same & make Report to the next May Session, what may be proper for the Court to do thereon & that the petition be refered accordingly. In Council Read & Concur'd, & Symonds Epes Esq<sup>r</sup> is joined in the Affair. [*Passed November 16.*]

## CHAPTER 66.

### RESOLVE ALLOWING 50/ TO WILL<sup>m</sup> HINES.

A CERTIFICATE from Joshua Orne Esq<sup>r</sup> that one William Hynes of Marble Head had a thirty & Twenty Shilling Bill much defaced by being Eaten by the Rats so as to render them unserviceable, the Remains being produced with the Oath of the said Hines's Wife to the Fact. Read &

Legislative  
Records of the  
Council, xv.,  
309.

House Jour-  
nal, p. 74.

*Resolved* that M<sup>r</sup> Treasurer Allen be directed to Exchange the s<sup>d</sup> Bills for fifty Shillings of the Bills of the province in His Hands. [*Passed November 17.*]

## CHAPTER 67.

### VOTE FOR A NEW SURVEY OF 500 ACRES OF LAND FOR COLL: CHURCH'S HEIRS.

A RETURN was made of a Survey of Five Hundred Acres of Land granted to the heirs of Coll: Benjamin Church Dec<sup>d</sup> Which was Accepted by both Houses, but the said Land being since found to ly within a Grant made by this Court to Joshua Lamb Esq<sup>r</sup> & Company The following Vote was pass'd viz<sup>t</sup>

Legislative  
Records of the  
Council, xv.,  
310.

House Jour-  
nal, pp. 67, 74.  
*Ante*, p. 563,  
chap. 56; p. 656,  
chap. 17.  
*Infra*, chap. 68.

Whereas the five hundred Acres of Land contained in a plan presented to this Court in their present Session by Thomas & Charles Church Esq<sup>rs</sup> to Satisfy a Grant made to the Heirs & lawful Represent<sup>ves</sup> of their Father Benjamin Church Esq<sup>r</sup> dec<sup>d</sup> lies within the Grant of six Miles square made to Joshua Lamb Esq<sup>r</sup> & others & their Associates in June last which may prove a Discouragment to the Settlem<sup>t</sup> of that Plantation & prejudicial to the Grant,

*Voted* that Twelve months more be & hereby is allowed the s<sup>d</sup> Tho<sup>s</sup> & Charles Church Esq<sup>rs</sup> to Survey & lay out Five Hundred Acres of the unappropriated Lands of y<sup>e</sup> province by a Survey<sup>r</sup> & Chain men on Oath to satisfy the afores<sup>d</sup> Grant made to the Heirs &c. of the s<sup>d</sup> Benjamin Church Esq<sup>r</sup> Dec<sup>d</sup> & that they return a plan thereof within that Time for Confirmation accordingly. [*Passed November 20.*]

## CHAPTER 68.

VOTE CONFIRMING A PLAN OF SIX MILES SQUARE OF LAND GRANTED  
TO JOSHUA LAMB & OTHERS.

Legislative  
Records of the  
Council, xv.,  
322. Maps and  
Plans, Mis.,  
xxxvii., 10.

Maps and  
Plans, Mis.,  
xxxvii., 10 *bis*.  
House Jour-  
nal, p. 74.  
*Ante*, p. 656,  
chap. 17.  
*Supra*, chap.  
67.

A PLAN containing six Miles square of Land lying North of Ware River & adjoining to it near the Mouth of Great Meadow Brook laid out to Satisfy a Grant made by this Court to Joshua Lamb Esq<sup>r</sup> & others survey'd by Timothy Dwight Survey<sup>r</sup> & two Chain men on Oath.

Read and Accepted and

*Voted* that the Lands within delineated and described be and hereby are confirmed to the said Joshua Lamb Esq<sup>r</sup> Timothy Ruggles and others the petitioners and their Associates and their Heirs and Assigns for Ever, provided it exceeds not the quantity of Land within mentioned viz<sup>t</sup> 23,040 Acres nor does not interfere with any former Grant and the plantation is hereby declared and determined to lye within the County of Worcester. [*Passed November 20.*<sup>1</sup>]

## CHAPTER 69.

ORDER ON THE TOWN OF LANCASTER'S PETITION IN REGARD TO  
TAXES.

Legislative  
Records of the  
Council, xv.,  
323.

House Jour-  
nal, p. 89.  
Province  
Laws, ii., 64,  
chap. 4.

A PETITION of the Selectmen of the Town of Lancaster Shewing that Notwithstanding the Greatest part of the Town of Harvard was taken off from the Town of Lancaster yet their province Tax is as high as before the Separation praying releif from this Court. Read &

*Ordered* that that part of the Town of Harvard that Formerly belonged to the Town of Lancaster with the Inhabitants thereof be & hereby are Subjected to be Taxed to the Town of Lancaster for their province & County Taxes for the Year current as tho' they had not been taken off from Lancaster & that that part of Harvard aforesaid that formerly belonged to & was taken off from the Towns of Groton & Stow be & hereby are Subjected to be taxed to therespective Towns to which they belonged for their province Tax for the Year current, as tho' they had not been taken off from said Towns, And the respective Assessors of the said Towns of Lancaster Groton & Stow are fully impowered to Assess their just proportions of said Taxes, & the Constables or Collectors of said Towns respectively are impowered & required to Collect & pay the same conformable to Law. [*Passed November 24.*]

## CHAPTER 70.

VOTE IMPOWERING BENJ<sup>A</sup> EATON AS ADMINISTRATOR TO SELL LAND.

Legislative  
Records of the  
Council, xv.,  
324.

House Jour-  
nal, p. 90.

A PETITION of Benjamin Eaton Administ<sup>r</sup> of the Estate of Benjamin Bryant late of Plimpton deceased shewing that the personal Estate of the said dec<sup>d</sup> is not Sufficient to pay the Debts due from it, & for as much as it will greatly hurt the real Estate to have a part of it sold,

<sup>1</sup> This date is according to Maps and Plans. Mis.; according to Legislative Records of the Council the date is November 24.

Therefore praying for the Order of this Court for Selling the whole real Estate of the s<sup>d</sup> Benjamin Bryant the remainder, after the Debts are paid, to be secured for the Benefit of the Children of the Deceased. Read &

*Voted* that the prayer of the petition be granted, And the petition<sup>r</sup> is fully authorized in his said Capacity, to make Sale of the whole of the real Estate within mentioned & to Execute in due form of Law a good Deed or Deeds to such person or persons as will give most for the same, thirty days notice of the Sale to be given by Posting up Notifications thereof, in the Town where the deceased last Dwelt & in the Two adjacent Towns, & also in the Shire Town of the County of Plimonth, The petitioner to give sufficient Bond to the Judge of Probate for the County of Plimouth to accompt for the produce of the premisses, & to dispose thereof for the payment of the Deceased's just Debts, & the Overplus if any be to the Children, agreeable to the Law for the Settlement & Distribution of the Estates of Intestates. [*Passed November 25.*]

## CHAPTER 71.

### ORDER GRANTING PETER<sup>1</sup> RICE LEAVE TO ENTER AN APPEAL FROM A JUDGMENT.

A PETITION of Perez Rice of Westborô in the County of Worcester praying that he may be Enabled to appeal from a judgm<sup>t</sup> of Nahum Ward Esq<sup>r</sup> One of His Majesty's Justices of the Peace for the s<sup>d</sup> County for false speaking, to the Court of General Sessions of the Peace for s<sup>d</sup> County the petition<sup>r</sup> having lapsed his time of Appealing according to the Course of the Law, thro his Ignorance thereof.

Legislative  
Records of the  
Council, xv.,  
325.

House Jour-  
nal, p. 89.

Read &

*Ordered* that the prayer of the Petition be granted, & the petition<sup>r</sup> is allowed & fully impowered to Claim, bring forward & prosecute to Effect an Appeal from the Sentence of the s<sup>d</sup> Justice to the next Court of General Sessions of the peace for the County of Worcester in the same manner as by Law he might have done if he had claimed his Appeal at the Time the Sentence, was pronounced, & the Justices of the said Court of Sessions are hereby impowered & directed to Hear & Determine the Same & Give Judgm<sup>t</sup> accordingly. [*Passed November 25.*]

## CHAPTER 72.

### ORDER IMPOWERING DIGHTON SELECTMEN TO JOIN IN A PARTITION AND SALE OF LANDS.

A PETITION of the Selectmen of the Town of Dighton, Shewing that they have had the Care of one Joseph Halloway of the s<sup>d</sup> place a Person non Compos & that they are considerably in Advance for his Support that the s<sup>d</sup> Halloway is Owner (in joint Tenancy with his Brother Malachi Halloway) of between seventy & eighty Acres of Upland & of half an Acre of Meadow in Dighton afores<sup>d</sup> Praying that they may be impowered to make Sale of the s<sup>d</sup> Lands to reimburse themselves what they have expended for the s<sup>d</sup> Halloway's Maintenance & to Enable them to Maintain him for the future, the Residue if any there be after his Death, to be for his heirs at Law. Read &

Legislative  
Records of the  
Council, xv.,  
326.

House Jour-  
nal, p. 73.  
Province  
Laws, II., 151,  
chap. 10.

<sup>1</sup> "Perez," in the State Library copy, Legislative Records of the Council, xv., 320.

*Voted* that the prayer of the petition be granted, & the petition<sup>rs</sup> in their s<sup>d</sup> Capacity are hereby authorized & impowered to Join in the partition of the Lands within mentioned, held in joint Tenancy with Malachi Halloway or to Sue for a Division, or to make Sale of the s<sup>d</sup> Lands without partition or Division as they shall judge best & also to make Sale of the Marsh within mentioned they following the Directions of the Law (in the Sale of s<sup>d</sup> Lands) relating to Execut<sup>rs</sup> & Administrat<sup>rs</sup> (impowered by the Superiour Court) to make Sale of Lands for y<sup>e</sup> paym<sup>t</sup> of Debts &c. made in the Sixth Year of the Reign of his late Majesty King George Chap<sup>r</sup> 3. The produce of the s<sup>d</sup> Land to be secured by the Town of Dighton & applied for the releif & Support of y<sup>e</sup> s<sup>d</sup> Joseph Halloway so long as he shall live or until he shall be restored to a sound mind, And the Overplus (if any be at his Decease) to be to & for the Use of his legal Representat<sup>ves</sup>. [*Passed November 28.*]

## CHAPTER 73.

### ORDER OF NOTICE ON THE PETITION OF BENJAMIN EDWARDS PRAY- ING TO BE IMPOWERED TO RE-ENTER AN ACTION.

Legislative  
Records of the  
Council, xv.,  
326.

House Jour-  
nal, p. 71.  
*Ante*, p. 375,  
chap. 220.

A PETITION of Benjamin Edwards of Boston Merch<sup>t</sup> shewing that this Court were pleased in the Year 1728. to Order that the Sheriff of the County of Suffolk should Stop in his Hands the Sum of £108. 5 recovered by Joshua Almy of the Petition<sup>r</sup> & Thomas Dogget & Eben<sup>r</sup> Hough now deceased to wait the Event of an Action brought by them at the Inferiour Court of Common pleas for the said County; Which Action was continued for several Courts. that so the persons appointed by a Rule of Court to audit the Accompts might bring in their Award, which was finally neglected & the Petition<sup>rs</sup> Action went against him by Default to his great Surprize (he being obliged to keep out of Town by reason of the Small Pox, & his partners being Dead) Praying he may be impowered to reenter his s<sup>d</sup> Action & that the Execution against him may be Stayed. Read &

*Ordered* that the Prayer of the Petition be so far granted as that the petition<sup>r</sup> be enabled at the next Inferiour Court of Common pleas for y<sup>e</sup> County of Suffolk to re enter the Action of the Petition<sup>r</sup> & Company within refer'd to, the Nonsuit thereof Notwithstanding, that so the Referees to whom the same was Committed, or Other Referees that may be appointed may proceed according to the Orders of the s<sup>d</sup> Inferiour Court, And the Justices of thes<sup>d</sup> Court are hereby Impowered & Directed to Hear & Determine the s<sup>d</sup> Action accordingly, & that the Execution against the petition<sup>r</sup> on the Scire facias abovementioned be stayed in the mean Time. [*Passed November 28.*]

## CHAPTER 74.

### VOTE APPOINTING A COMMITTEE ON THE PETITION OF JOSEPH WRIGHT & OTHERS RELATIVE TO A GRANT OF LAND.

Legislative  
Records of the  
Council, xv.,  
328.

House Jour-  
nal, p. 90.  
*Ante*, p. 678,  
chap. 68.

A PETITION of Joseph Wright & Sixty six others, Inhabitants of a Tract of Land situate between Springfield & Brookfeild, Brimfeild the Equivalent Land & Cold Spring.<sup>1</sup> Shewing that the Petition<sup>rs</sup> are Sensible that the Lands they are Settled on do of Right belong to the province, but for as much as they were encouraged to Settle there by Joshua

<sup>1</sup> The House Journal reads, "at a place called the *Elbows*," see p. 37, June, 1733.

Lamb Esq<sup>r</sup> & Company who pretended a Title to the Land & with whom they had agreed as to the purchase, Therefore praying a Grant of the s<sup>d</sup> Land from this Court for such Consideration as they shall judge reasonable.

In the House of Represent<sup>ves</sup> Read & in Answer to this Petition

*Voted* that Coll. Alden & M<sup>r</sup> Bradford with such as shall be appointed by the Hon<sup>ble</sup> Board be a Comm<sup>tee</sup> to repair to the Lands petition'd for, that they carefully view the Situation, & Circumstances thereof, as well as those of the petition<sup>rs</sup> & also the Quantity & Quality of s<sup>d</sup> Land & report their Opinion at the next May Session, w<sup>t</sup> may be proper for the Court to Do thereon, & that the petition be refer'd accordingly In Council Read & Concur'd & Ebenezer Burrill Esq<sup>r</sup> is joined in the Affair. [*Passed November 28.*]

## CHAPTER 75.

ORDER OF NOTICE ON BENJ<sup>A</sup> HAMMOND'S PETITION FOR LEAVE TO APPEAL FROM A DECREE OF THE JUDGE OF PROBATE.

A PETITION of Benjamin Hammond of Kittery in y<sup>e</sup> County of York. Shewing that he is much aggrieved at a Sentence of the Judge of probates for s<sup>d</sup> County, but thro' his Ignorance of the Law has lapsed the Time by Law limited for claiming his Appeal, & praying that he may be allowed to Appeal from the s<sup>d</sup> Sentence to the Gov<sup>r</sup> & Council, Notwithstanding he has lapsed the proper Time for Claiming it. Read &

Legislative  
Records of the  
Council, xv.,  
328.

House Jour-  
nal, p. 93.

*Ordered* that the Petition be refer'd to the Session of this Court in May next, And that the Petition<sup>r</sup> in the mean Time serve the adverse party with a Copy thereof that they shew Cause if any they have on the first Tuesday of the s<sup>d</sup> Session why the prayer thereof should not be granted. [*Passed November 28.*]

## CHAPTER 76.

VOTE FOR SUPPLYING SEVERAL TOWNS WITH LAW BOOKS.

*Voted* that the Towns of Bedford, Westford, Raynham, Dudley, Wilmington, Harvard, Townshend, & Penycook, be supplied with the province Law Book, & M<sup>r</sup> Benjamin Eliot is desired to Deliver to the Order of the said Towns respectively Each a Book accordingly, if they have not been before supplied at the province Charge. [*Passed November 29.*]

Legislative  
Records of the  
Council, xv.,  
329.

House Jour-  
nal, p. 96.

## CHAPTER 77.

VOTE IMPOWERING JOSEPH STEVENS TO SURVEY AND LAY OUT A TRACT OF 200 ACRES OF PROVINCE LANDS.

A PETITION of Joseph Stevens of Rutland, setting forth his great losses & Sufferings occasioned by the late Indian Wars more especially his great Charges in two Journeys to Canada, which he took to get his two Sons redeemed from Captivity, which has obliged him to sell the greatest part of his Land at Rutland & praying a Grant of Province Land, that he may have something to settle his Sons upon. Read & in Answer to this Petition

Legislative  
Records of the  
Council, xv.,  
329.

Maps and  
Plans, Mis.,  
viii., 9. House  
Journal, pp. 95,  
96.

*Voted* that two Hundred Acres of the unappropriated Lands of this province lying between Lancaster New Grant & Rutland &c. be & hereby is granted to the Petition<sup>r</sup> his heirs & Assigns. & that he be allowed & impowered by a Survey<sup>r</sup> & chain men on Oath to survey & lay out the same & return a plat thereof to this Court within Twelve Months for Confirmation. [*Passed \* November 29.*]

## CHAPTER 78.

### ORDER OF NOTICE ON THE PETITION OF DIVERS INHABITANTS OF STOUGHTON.

Legislative  
Records of the  
Council, xv.,  
329.

House Jour-  
nal, p. 96.

A PETITION of James Draper, Henry Crane, Robert Swan, John Eaton Eben<sup>r</sup> Draper Jeremiah Whiting & Thomas Witherby Inhabitants of y<sup>e</sup> Town of Stoughton, Setting forth their great Difficulties in Attending upon the publick Worship of God as well as on Civil & Military Duties by reason of their great Distance & praying that they with their Families & Estates may be set off from Stoughton & annexed to the Town of Dedham for which they are very conveniently situated.

Read &

*Ordered* that the Petition<sup>rs</sup> serve the Town of Stoughton with a Copy of this Petition that they shew Cause if any they have on Wednesday the Twentieth of Decem<sup>r</sup> next (if the Court be then sitting) If not on the first Fryday of the next Sitting of the Court) <sup>1</sup> why the prayer thereof should not be granted. [*Passed November 29.*]

## CHAPTER 79.

### ORDER IMPOWERING MARY WINANS TO MAKE A SALE OF REAL ESTATE.

Legislative  
Records of the  
Council, xv.,  
330.

House Jour-  
nal, pp. 88, 94.

A PETITION of Mary Winans Widow & Executrix of the last will & Testament of Jacob Winans late of Elizabeth Town in the Province of New Jersey dec<sup>d</sup> & Hannah Winans widow & Executrix of Isaac Winans of Elizabeth Town aforesaid dec<sup>d</sup> shewing that the Children of the s<sup>d</sup> Jacob & Isaac Winans (some of whom are Minors) are a small part interested in two Dwelling Houses in Boston near the Common w<sup>ch</sup> was formerly the Estate of M<sup>rs</sup> Abigail Sewall dec<sup>d</sup> Praying that this Court would empower Ebenezer Lyon of Elizabeth Town aforesaid to Sell the said minors Part of the s<sup>d</sup> Estate for their Use. [Read and]

*Voted* that the prayer of the petition be granted & that the Petition<sup>rs</sup> by themselves or their Attorneys be & hereby are fully authorized & impowered to make Sale of that part of the House & Lands within mentioned belonging to the s<sup>d</sup> Minors for the most the same will fetch for their Use, thirty days publick Notice being given at the least before the day of Sale by posting up Notifications, One whereof to be in Boston & one in each of the adjoining Towns, That the Petition<sup>rs</sup> or their Attorney give good & sufficient Security to the Judge of Probate for the County of Suffolk, that the Minors have & receive the profits & Incomes of their proportionable parts of the produce of the Sale, W<sup>ch</sup> is to be let out to Interest during their Minority & the principal thereof

<sup>1</sup> *Sic*, as to marks of parenthesis.

to be paid them as they shall respectively arrive at full Age, or to the Heirs Female at the Time of their respective marriages, or to their next Heirs if they or either of them should die before. [*Passed November 29.*]

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## CHAPTER 80.

### ORDER IMPOWERING MARY MOOR TO MAKE A SALE OF REAL ESTATE.

A PETITION of Mary Moor widow & administrat<sup>x</sup> of the Estate of Jonathan Moor late of Worcester dec<sup>d</sup> Shewing that there are considerable Debts owing from the Estate more than the personal Estate will discharge, & that the Selling only a part of the real Estate will much prejudice the remainder & hurt the Interest of the Heirs & therefore praying that she may be impowered to sell the whole The Remainder after the Debts are paid to be for the Benefit of the petition<sup>r</sup> & her Children. Read &

*Ordered* that the prayer of the petition be granted, & that the petition<sup>r</sup> be & hereby is Fully authorised & impowered to make Sale of the House & Land within mentioned for the most the Same will fetch for the paym<sup>t</sup> of the Just Debts & for the Use of the heirs, thirty days publick Notice being given at least before the Day of Sale by posting up Notifications One whereof in Worcester & one in Each of the two adjoining Towns, that the petition<sup>r</sup> give good & Sufficient Security to the Judge of probate for the County of Worcester for the true paym<sup>t</sup> of the deceased's Debts out of the produce of the Sales, And that the Minors have & receive the profits & Incomes of their proportionable parts of the residue of the Produce of the Sale which is to be let out on Interest during their Minority, & the principal thereof to be paid them as they shall respectively arrive at Age, the Heirs Female at Marriage & that the third part of the produce thereof, the profits of which belong to the Petition<sup>r</sup> Mary during Life, shall at her Decease be paid & distributed to the Heirs at Law who may be Entitled respectively to Demand the Same. [*Passed December 1.*]

Legislative  
Records of the  
Council, xv.,  
331.

House Jour-  
nal, p. 99.

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## CHAPTER 81.

### ORDER IMPOWERING TOWNSEND ASSESSORS TO LEVY AND COLLECT A TAX OF 3 PENCE PER ACRE ON LAND.

A PETITION of Timothy Heald & Jasher Wyman a Comm<sup>tee</sup> for the Town of Townshend, praying that the Inhabitants of the s<sup>d</sup> Town may be impowered to assess & Levy a Tax of three pence an Acre for the first Year & three half pence an Acre for the two Succeeding Years on all the Land improved & unimproved within the s<sup>d</sup> Town for defraying the publick Charges arising in the s<sup>d</sup> Place. Read &

*Ordered* y<sup>t</sup> y<sup>e</sup> prayer of the petition be so far granted as that the Assessors of the s<sup>d</sup> Town of Townshend are impowered to assess a Tax of one penny an Acre on the Lands within mentioned, & the Constables or Collectors of s<sup>d</sup> Town are also required to Collect & pay the same accordingly. [*Passed December 5.*]

Legislative  
Records of the  
Council, xv.,  
332.

House Jour-  
nal, p. 91.

## CHAPTER 82.

## ORDER APPOINTING A COMMITTEE FOR RENEWING THE LINE ON CONNECTICUT.

Legislative  
Records of the  
Council, xv.,  
333.

House Jour-  
nal, pp. 103, 104.  
Province  
Laws, ix., 328,  
chap. 136.

IN THE HOUSE OF REPRESENT<sup>VES</sup> Whereas the Divisional Line between this province & the Colony of Connecticut was settled & confirmed in y<sup>e</sup> Year 1713. & run by Commission<sup>rs</sup> of Each Govern<sup>t</sup> accordingly, & it being necessary y<sup>t</sup> the s<sup>d</sup> Line sh<sup>d</sup> be kept up & known by persons of Each Govern<sup>t</sup> And it not having been perambulated since. 1713.

*Ordered* that John Wainwright William Brattle & John Chandler Esq<sup>rs</sup> with such as the Hon<sup>ble</sup> Board shall join be & hereby are appointed a Comm<sup>tee</sup> on behalf of this Province to meet with such persons as shall be appointed by y<sup>e</sup> Govern<sup>t</sup> of Connecticut to perambulate & renew y<sup>e</sup> s<sup>d</sup> Line thro<sup>ut</sup> from Rhode Island Govern<sup>t</sup> on y<sup>e</sup> East, as far as the Colony of Connecticut Extends & make report of their Doings as soon as may be to the Court, & M<sup>r</sup> Secretary Willard is directed to Write to the Govern<sup>t</sup> of Connecticut that they would appoint a Comm<sup>tee</sup> on their behalf to perambulate & renew the s<sup>d</sup> Line accordingly; The Comm<sup>tees</sup> to agree upon the Time & Place of Meeting In Council Read & Concur'd, & William Dudley & Eben<sup>r</sup> Burrill Esq<sup>rs</sup> are joined in the Affair. [*Passed December 7.*]

## CHAPTER 83.

## ORDER GRANTING A PLAT OF 300 ACRES OF LAND TO CHRISTOPHER JACOB LAWTON.

Legislative  
Records of the  
Council, xv.,  
334.

Maps and  
Plans, Mis.,  
viii., 21. House  
Journal,  
pp. 101, 103.

A PETITION of Cornelius<sup>1</sup> Jacob Laughton of Suffield Setting forth the extream badness of that part of the Road from Westfield to Albany that lies between Westfield & Housatannuck & the great Hardship that Travellers are forced to Suffer especially in the Winter Season there being no House for the Space of forty Miles praying the Grant of Five Hundred Acres of province Land upon Condition that he build & keep a House of Entertainm<sup>t</sup> near Midway on the s<sup>d</sup> Road. Read & in Answer to this Petition

*Ordered* that the prayer of the Petition<sup>r</sup> be so far granted as that the Petition<sup>r</sup> have Leave by a Survey<sup>r</sup> & Chainmen on Oath to survey & lay out three Hundred Acres of Land in a regular Form not less then fifteen Miles from one of the within mentioned Towns as the Road goes, to lay on s<sup>d</sup> Road as it is now used, & return a Plan thereof to this Court at the next May Session for Confirmation. W<sup>ch</sup> Grant is hereby confirmed to the petition<sup>r</sup> his Heirs & Assigns for ever, He complying with the following Conditions viz<sup>t</sup> that he does by the first day of October next erect & compleatly finish on s<sup>d</sup> Land & near said Road a Dwelling House forty four feet long, Eighteen feet wide & eight feet Post at least & also a Sutable Stable for Horses, & shall fence clear & sufficiently stock with English Grass. three Acres of Land by the first Day of Sept<sup>r</sup> 1734. & two Acres more each of the succeeding Years, That the Petition<sup>r</sup> by himself or some other sutable person (who has a Family) shall actually settle & reside with his Family on the Spot by y<sup>e</sup> first Day of October next & to dwell there for the Term of Twenty Years then next coming said person to be a man of good sober Conversation & such as the Justices of the Court of General Sessions of the peace for the County of

<sup>1</sup> "Christopher," in subsequent chapters.



Hampshire may think a proper person to keep a publick House of Entertainment<sup>t</sup> & to be at all Times provided with necessaries fit for the Entertainment<sup>t</sup> of Man & Horse &c. & in Case of failure of any of the above particulars the s<sup>d</sup> Grant to revert to the Province, the person inhabiting on s<sup>d</sup> Land & keeping such publick House to be freed from paying ex-cise for the Term of Ten Years from the first of his living there. [*Passed \* December 7.*]

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## CHAPTER 84.

ORDER ALLOWING THE ACC<sup>t</sup> OF SELLING LAND OF CHARLES WATNAM, INDIAN.

SETH WILLIAMS ESQ<sup>r</sup> from the Comm<sup>tee</sup> of the General Court appointed to sell y<sup>e</sup> Lands of Charles & Alice Watnam Indians of Teticut for y<sup>e</sup> paym<sup>t</sup> of their Debts Presented an Acc<sup>t</sup> of their transacting that Affair      Read &

*Ordered* that this Acc<sup>t</sup> be allowed & the Comm<sup>tee</sup> are discharged accordingly. [*Passed December 7.*]

Legislative  
Records of the  
Council, xv.,  
334.

House Jour-  
nal, p. 72.  
*Ante*, p. 452,  
chap. 115.

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## CHAPTER 85.

ORDER IMPOWERING SAM<sup>l</sup> SYDEBOTHOM & THO<sup>s</sup> WRIGHT TO RE-ENTER AN ACTION.

A PETITION of Samuel Sydebothom & Thomas Wright of London Merch<sup>t</sup> Shewing that they brought their Action at the Inferiour Court of Common pleas held at Boston for the County of Suffolk in July. 1731. against Cp<sup>t</sup> John Osburn &c. as Factors to John Cook & Comp<sup>a</sup> of London for two Notes under hand of £100 Ster: Each, but so it was that in the Declaration there was a Mistake of the Date of one of the Notes by which means they recovered only upon the other, praying that they may be empower'd to re enter their Action at the next Inferiour Court for the s<sup>d</sup> County & that the Date of the s<sup>d</sup> Note in the Declaration may be amended.      Read & John Osburn Esq<sup>r</sup> (Agent or Factor to John Cook & Company) being in Council & acknowledging the Truth of the Facts within related.

*Ordered* that the prayer of the petition be granted & that the Petition<sup>rs</sup> be Enabled to re-enter their Action on the Note for One hundred pounds Sterling bearing Date. the 28<sup>th</sup> day of September. 1730. at the next Inferiour Court of Common pleas for the County of Suffolk to be held on y<sup>e</sup> first Tuesday of January next, & the Justices of the s<sup>d</sup> Court are hereby empowered & directed to Hear & Determine the s<sup>d</sup> Action & allow of the Amendm<sup>t</sup> of the Clerical Mistake referring to the s<sup>d</sup> Note, to be done in open Court accordingly. [*Passed December 7.*]

Legislative  
Records of the  
Council, xv.,  
335.

House Jour-  
nal, p. 105.

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## CHAPTER 86.

ORDER GRANTING A TRACT OF LAND TO JOHN COFFIN & OTHERS FOR A NEW TOWN.

A PETITION of John Coffin of Newbury & eighty others praying the Grant of a Tract of Land of Seven miles square lying on the West Side of Merrimack River adjoining to Penicook to Settle themselves

Legislative  
Records of the  
Council, xv.,  
336.

Maps and  
Plans, Mis.,  
viii., 8. House  
Journal,  
pp. 102, 103.  
History of  
Boscawen,  
N. H., pp. 2, 3.

or their Children upon on such Conditions as this Court shall judge fit. Read & in Answer to this Petition

*Ordered* that there be & hereby is granted to the Petition<sup>rs</sup> a Tract of Land of Seven miles square at the place Petition'd for on the West side of Merrinack River to be laid out by a Survey<sup>r</sup> & Chainmen on Oath, A Plan thereof to be presented to this Court at their next May Session for Confirmation the Lands to be by them settled on the Conditions following viz. That within the space of four Years from the Confirmation of the Plan, they settle & have on the Spot eighty one Families, Each Settler to build a good convenient Dwelling House one Story high, eighteen feet square at the least & fence, clear & bring to four Acres fit for Improvem<sup>t</sup> & three Acres more well stock'd with English Grass, & also lay out three Shares thro' out the Town Each Share to be one Eighty fourth part of the s<sup>d</sup> Tract of Land, One of s<sup>d</sup> Shares to be for the first Settled Minister, One for the Ministry & One for the School, & also to build a Convenient Meeting House & Settle a learn'd orthodox Minister within the Term aforesaid. [*Passed.\* December 8.*]

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## CHAPTER 87.

### ORDER ACCEPTING THE COMMTEE'S REPORT ON Y<sup>E</sup> AFFAIR OF Y<sup>E</sup> CAGNAWAGA INDIANS.

Legislative  
Records of the  
Council, xv.,  
336.

Legislative  
Records of the  
Council, xv.,  
300, 333. House  
Journal, p. 99.

THE COMMTEE appointed to take that part of His Excellency's Message to the House of the first current which relates to the Cagnawaga Indians into Consideration & report w<sup>t</sup> may be proper for the Court to do thereon, are humbly of Opinion that according to the Desire of the Cheifs of that Tribe when at Boston M<sup>r</sup> Henry Lydius be impow<sup>er</sup>ed & directed in the best way he can in the Name & at the Charge of this Governm<sup>t</sup> to inform & assure the said Tribe that if they will send some of their Cheifs hither in the Month of June next when this Court may be sitting, fully authorized to treat with this Governm<sup>t</sup> that then this Court will be ready to do all in their power to maintain the good agreem<sup>t</sup> between them & us & for the settling & accomplishing any other proposals then to be made to this Governm<sup>t</sup> by them.

By order of the Comm<sup>tee</sup>

SPENCER PHIPS.

Read &

*Ordered* that this Report be accepted. [*Passed December 8.*]

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## CHAPTER 88.

### ORDER ACCEPTING THE ACCOUNT OF THE CO. TREASURER OF ESSEX.

Legislative  
Records of the  
Council, xv.,  
336.

House Jour-  
nal, p. 107.

AN Accompt presented by John Appleton Esq<sup>r</sup> Treasurer of the County of Essex for the Year. 1731. having been laid before the Court of General Sessions of the peace for the s<sup>d</sup> County & by them allowed.

Read & Accepted &

*Ordered* that this Accompt be allowed. [*Passed December 8.*]

## CHAPTER 89.

## ORDER APPOINTING A COMMITTEE FOR RUNNING THE LINE ON RHODE ISLAND.

IN THE HOUSE OF REPRESENT<sup>YES</sup> Whereas the Divisional Line between this Province & the Colony of Rhode Island has not been renewed or perambulated since the Settling thereof Anno. 1719.

Legislative  
Records of the  
Council, xv.,  
337.

*Ordered* that M<sup>r</sup> Shove Coll. Church & C<sup>p</sup><sup>t</sup> Foster with such as shall be joined by the Hon<sup>ble</sup> Board be a Comm<sup>tee</sup> fully authorized & empowered in the Name & Behalf of this Govern<sup>t</sup> to meet with such persons as shall be appointed by the Govern<sup>t</sup> of Rhode Island to perambulate or renew the Bounds or divisional Line beginning at a heap of Stones on the West bank of Patucket River & to run West two Degrees & twenty four Minutes South according to the Variation of nine Degrees from the Magnet as far as the s<sup>d</sup> Colony extends, to Connecticut Line agreeable to the Settlem<sup>t</sup> of s<sup>d</sup> Line & signed by the Commission<sup>rs</sup> of Each Govern<sup>t</sup> the 14<sup>th</sup> day of May 1719. And M<sup>r</sup> Secretary Willard is directed to write to the Govern<sup>t</sup> of Rhode Island that they would appoint a Comm<sup>tee</sup> on their Behalf to perambulate & renew the said Line accordingly, The Comm<sup>tee</sup> to agree on the Time of Meeting. In Council Read & Conc<sup>ur</sup><sup>d</sup> & Samuel Thaxter & William Dudley Esq<sup>rs</sup> are joined in the Affair. [*Passed December 8.*]

House Jour-  
nal, pp. 105, 106.  
Province  
Laws, ix., 697,  
chap. 115.

## CHAPTER 90.

## VOTE AUTHORIZING RUTLAND ASSESSORS TO LEVY AND COLLECT A TAX OF 1 PENNY PER ACRE FOR THE SUPPORT OF THE MINISTRY.

A PETITION of Simon Davis in behalf of the Town of Rutland, Shewing that this Court have been pleased to empower the s<sup>d</sup> Town to raise a Tax on the unimproved Lands within the Six miles Square whereon they are Settled towards the Support of the Ministry & for as much as the Town is still poor & the Inhabitants few, who are not able to defray that Charge & the Time limited by the Court is Expired, Therefore praying that the Assessors of the s<sup>d</sup> Town may be empowered to assess a Tax of one penny an Acre on all the Land within the six miles Square for the Space of five Years for the Support of the Minister of the s<sup>d</sup> Town. Read & in Answer to this Petition

Legislative  
Records of the  
Council, xv.,  
337.

House Jour-  
nal, p. 104.  
*Ante*, p. 237,  
chap. 46.

*Voted* that the Lands belonging to the nonresident proprietors of Rutland in the settling part within mentioned be & hereby is Subjected to a Tax of one penny p<sup>r</sup> acre p<sup>r</sup> annum for the Support of the Minister there, for & during the full space of five Years next coming & the Assessors of y<sup>e</sup> s<sup>d</sup> Town are fully authorized & empowered to levy & assess the s<sup>d</sup> Tax & the Constables or Collectors are required to collect & pay in the same accordingly. [*Passed December 8.*]

## CHAPTER 91.

## ORDER CONFIRMING A PLAT OF 200 ACRES GRANTED TO STEPHEN GREENLEAF &amp; OTHERS.

Legislative  
Records of the  
Council, xv.,  
338, 341. Maps  
and Plans,  
Mis., vii., 22.

Maps and  
Plans, Mis.,  
vii., 22 *bis*.  
House Jour-  
nal, p. 106.  
*Ante*, p. 633,  
chap. 126.

A PLAT of two Hundred Acres of Land laid out to Stephen Greenleaf of Newbury pursuant to a Grant made to him by the General Court in January 1731 lying within the Township of Methuen, beginning at a Stake & Stones by M<sup>r</sup> Higginson's Farm which is the North-westerly Corner, thence running East & joining on s<sup>d</sup> Farm One Hundred & forty four Poles, to a Swamp white Oak mark'd in Haverhill Line, also Higginson's Corner Bounds, thence running North on Haverhill Line One Hundred eighty two poles to a great Rock on a small Hill & Stones laid upon it, Thence West ab<sup>t</sup> two Degrees South Two Hundred & Seven poles to a Small black Oak mark'd with **C**. & stones laid round it, Thence South Twenty Degrees East nearest One Hundred & eighty eight Poles to the bounds first mentioned.

Read and Accepted and

*Resolved* That the Lands within delineated and described be & hereby are Confirmed to the said Stephen Greenleaf his heirs and Assigns for Ever provided it exceeds not the quantity of two hundred Acres nor does not interfere with any former Grant. [*Passed December 8.*<sup>1</sup>]

## CHAPTER 92.

ORDER APPOINTING A COM<sup>TEE</sup> AB<sup>T</sup> Y<sup>E</sup> LINE BETWEEN THIS PROVINCE & NEW YORK.

Legislative  
Records of the  
Council, xv.,  
339.

House Jour-  
nal, pp. 107, 108.  
*Ante*, p. 568,  
chap. 70.

IN COUNCIL: Whereas sundry Disputes & Differences have arisen between this Province & the Province of New York, respecting the boundary or dividing Line between us, A Settle<sup>mt</sup> whereof is necessary

*Ordered* that Sam<sup>l</sup> Thaxter & William Dudley Esq<sup>rs</sup> with such as shall be joined by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be & hereby are Appointed Commission<sup>rs</sup> on behalf of this Govern<sup>mt</sup> to meet Commission<sup>rs</sup> from the Govern<sup>mt</sup> of New York for Compromising y<sup>e</sup> s<sup>d</sup> Affair & with them to Agree upon, & finally settle the s<sup>d</sup> boundaries & to appoint suitable persons for running & marking the same & their Conclusion signed sealed & perfected with the s<sup>d</sup> Commission<sup>rs</sup> of the province of New York shall be for ever deemed And held good & valid by this Govern<sup>mt</sup> provided the like power be given by the s<sup>d</sup> Govern<sup>mt</sup> of New York. to their Commission<sup>rs</sup> & that the s<sup>d</sup> Conclusions of the s<sup>d</sup> Boundary be made within the Term of Eighteen Months from this Date, Report to be made of the proceedings therein as soon as may be: In the House of Represent<sup>ves</sup> Read & Concur'd, & Elisha Cooke John Wainwright & John Stoddard Esq<sup>rs</sup> are joined in the Affair. [*Passed December 9.*]

## CHAPTER 93.

## ORDER IMPOWERING FRANCES BANISTER TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council, xv.,  
329, 340.

A PETITION of Frances Bannister of Boston widow complaining of a wrong return of the Under Sheriff of the County of Suffolk of a Writ

<sup>1</sup> This date is according to Maps and Plans and the House Journal; according to Legislative Records of the Council the date is December 13.

of Replevin brought against her by Samuel Bannister at the Inferiour Court of Common pleas for the said County & of the undue Process thereon, by which means the Cause went against her, & praying that this Court would Set aside the s<sup>d</sup> Writ & process or other wise releive her in the premisses.

House Jour-  
nal, pp. 95, 191,  
102.

*Ordered* that the petition<sup>r</sup> be & hereby is impowered to bring forward a Writ of Reveiw at the next Superiour Court of Judicature to be holden at Boston within & for the County of Suffolk on the second Tuesday in February next in Order to determine the Legality of the Service of the Writt of Replevin within mentioned And the Justices of the s<sup>d</sup> Court are Authorized & directed to give Judgm<sup>t</sup> on the s<sup>d</sup> Service in the same manner as if no Default had been made by the Petition<sup>r</sup> at the Inferiour Court within mentioned And in Case the s<sup>d</sup> Justices shall judge the s<sup>d</sup> Service to be good then to proceed to the Trial of the Merits of the Cause within mentioned by a Jury in Order to try the Property of the Goods between the partis, & that no Execution issue on the Judgm<sup>t</sup> of the Superiour Court any further than for Costs. [*Passed December 12.*]

## CHAPTER 94.

### VOTE GRANTING 200 ACRES OF LAND TO JOS MALINSON.

A PETITION of Joseph Malinson of Boston praying a Grant of some of the unappropriated Lands of this province in Consideration of his great Service to the publick in Setting up the Manufacture of Casting Iron Ware in sand, which was first put in practice in this province by the petition<sup>r</sup> from whom others have taken it, & by that Means the s<sup>d</sup> Manufacture has been carried on to the great Advantage of the province, thô the petition<sup>r</sup> has been a Loser by it Read &

Legislative  
Records of the  
Council, xv.,  
264, 341.

Maps and  
Plans, Mis.,  
viii., 7. House  
Journal, pp. 21,  
23.

*Voted* that two Hundred Acres of the unappropriated Lands of this province be granted to the petition Joseph Malinson in Consideration of his having been the first promoter of a Manufacture that hath proved so beneficial to the province the Land to be laid out by a Survey<sup>r</sup> & chainmen upon Oath & a plat thereof returned to this Court within Twelve months for Confirmation. [*Passed \* December 13.*]

## CHAPTER 95.

### ORDER ALLOWING £19. 13. 11 TO THE HASSANIMISCO TRUSTEES.

AN Acc<sup>r</sup> presented by the Hon<sup>ble</sup> Spencer Phips Esq<sup>r</sup> & others Trustees for the Hassanimisco Indians of their Receipts & Disbursments for them Read &

Legislative  
Records of the  
Council, xv.,  
342.

*Voted* that the s<sup>d</sup> Accompt be allowed, Ballance of the Interest of Money being Nineteen pounds thirteen Shillings & eleven pence together With the two Articles of Twenty Pounds & Twenty three pounds for Money let out at Interest the s<sup>d</sup> Trustees are further accountable for, as also the Capital Sum of £2,500. [*Passed December 14.*]

House Jour-  
nal, p. 111 bis.

## CHAPTER 96.

ORDER IMPOWERING THE ASSESSORS OF DUDLEY TO LEVY AND COLLECT A TAX OF 2 PENCE PER ACRE ON LAND.

Legislative  
Records of the  
Council, xv.,  
344.

House Jour-  
nal, pp. 111, 112.

A PETITION of Joseph Edmunds, Agent for the Town of Dudley Praying that y<sup>e</sup> Inhabitants of the s<sup>d</sup> Town may be impowered to lay a Tax of Twenty Shillings on every Hundred Acres of Land in s<sup>d</sup> Town for five Years for defraying the Charges of the s<sup>d</sup> Town      Read & in answer to this Petition

*Ordered* that the Prayer of the Petition be so far granted, as that the Assessors or Selectmen of the s<sup>d</sup> Town of Dudley be & hereby are allowed & impowered to assess & levy a Tax of two pence *p* Acre *p* annum on all the Lands lying within the s<sup>d</sup> Township belonging either to the Resident or nonresident Proprietors (the Indians Lands excepted) for the full Space of five Years next coming for the defraying & paying the Ministerial & other Charges arising therein, & the Constables of the s<sup>d</sup> Town are required & directed to Collect & pay in the Sum of the s<sup>d</sup> Tax accordingly. [*Passed December 15.*]

## CHAPTER 97.

ORDER IMPOWERING JOHN ALLEN TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council, xv.,  
345 *bis*.

Legislative  
Records of the  
Council, xv.,  
217. House  
Journal,  
pp. 115, 116.

A PETITION of John Allen Esq<sup>r</sup> of Chilmark in Dukes County Shewing that at the Inferiour Court of Common Pleas held at Boston in January 1729. Philip Jones of Boston recovered Judgm<sup>t</sup> against him by Default for the Sum of Twenty pounds & Costs, which Default was occasioned by the Neglect of the Petition<sup>r</sup>s Attorney, and therefore praying that he may be admitted to a new Trial of the s<sup>d</sup> Action at the next Inferiour Court of Common Pleas to be held at Boston for the County of Suffolk

Read & the Parties being heard by the Board & the Matter fully Considered,

*Ordered* that the petition<sup>r</sup> be enabled by a Writ of Reveiw to bring forward a Trial of the Case within mentioned at the next Inferiour Court of Common pleas to be holden at Boston within & for the County of Suffolk & that the Justices of the s<sup>d</sup> Court be & hereby are impowered & directed to receive the Answer of the Original Defend<sup>t</sup> & proceed to Trial of the Case by a Jury as tho<sup>o</sup> no such Default as is within mentioned had happened & Enter up Judgm<sup>t</sup> & award Execution accordingly, The Costs hitherto to remain as they are. [*Passed December 19.*]

## CHAPTER 98.

ORDER IMPOWERING JOSEPH WHIPPLE & PATIENCE REDWOOD TO SERVE A WRIT OF REVIEW ON EDWARD TOTHILL AND MICHAEL ASHER.

Legislative  
Records of the  
Council, xv.,  
341, 347.

A PETITION of Joseph Whipple & Patience Redwood Administ<sup>rs</sup> of the Estate of Abraham Redwood dec<sup>d</sup> Shewing that Joseph Boiden Jemain of the City of New York Merc<sup>t</sup> recovered Judgm<sup>t</sup> against

them for One thousand pounds being for breach of Covenant made between the s<sup>d</sup> Abraham Redwood & John Burke of Antigua on the one part & Elias Jemain (now deceased) on the other part whereby the s<sup>d</sup> Redwood & Burke were obliged to Deliver certain Books & Papers lodged in their Hands, which the Petition<sup>rs</sup> have taken all imaginable pains to obtain from M<sup>r</sup> Burk in Antigua, but could not get possession of them before the last Trial, & being now able to produce them are desirous to reveiw the Action at the next superiour Court for the County of Suffolk & for as much as the s<sup>d</sup> Joseph Boyden lives out of the province, praying that they may be empower'd to Serve their Writt of Reveiw upon Edward Tothill & Michael Asher his Attorneys here

House Jour-  
nal, pp. 109, 119.  
*Ante*, p. 665,  
chap. 33.

Read together with the Answer of Edward Tothill & Michael Asher & the same being fully Considered,

*Ordered* that the pray<sup>r</sup> of the Petition be granted & the Petition<sup>rs</sup> are accordingly empower'd to serve their Writt of Reveiw on the said Edward Tothill & Michael Asher as Attorneys to Joseph Boiden Jemain & the Justices of the Superiour Court are hereby Authorized & directed to Hear & Determine the s<sup>d</sup> Action, give Judgm<sup>t</sup> therein & award Execution thereupon. [*Passed December 21.*]

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## CHAPTER 99.

### ORDER APPOINTING A COMMITTEE TO VIEW LANDS ON THE PETITION OF JAMES DRAPER &c. OF STOUGHTON.

ON THE PETITION of James Draper & others Inhabitants of the Town of Stoughton, [*ante*, p. 682, chap. 78] In Council; Read together with the Answer of the Town of Stoughton & the same being fully considered,

Legislative  
Records of the  
Council, xv.,  
347.

*Ordered* that Will<sup>m</sup> Dudley & Eben<sup>r</sup> Stone Esq<sup>rs</sup> with such as the Hon<sup>ble</sup> House of Represent<sup>ves</sup> shall appoint be a Comm<sup>tee</sup> to repair to Stoughton (first notifying the Petition<sup>rs</sup> & the Agents for Stoughton of the Time of their Coming) & that they Vieiw the Situation of the Petition<sup>rs</sup> Lands, & consider their Circumstances, & hear the Parties & make Report the next May Session w<sup>t</sup> they Judge proper for the Court to do on this Petition.

House Jour-  
nal, p. 120.  
*Ante*, p. 682,  
chap. 78.

In the House of Represent<sup>ves</sup> Read & Concur'd & Cap<sup>t</sup> Goddard Coll. Turner & Major Brattle are joined in y<sup>e</sup> Affair. [*Passed December 21.*]

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## CHAPTER 100.

### ORDER IMPOWERING JOHN CUSHING ESQ<sup>R</sup> AS ADMINISTRATOR TO SELL LAND.

A PETITION of Josiah Cotton Esq<sup>r</sup> Grand father & Gaurdian to the only Child of Thompson Philips late of Plimouth dec<sup>d</sup> & of John Cushing Ju<sup>r</sup> Esq<sup>r</sup> Administ<sup>r</sup> of the s<sup>d</sup> Philips's Estate Shewing that the s<sup>d</sup> Estate consists principally of a large House in Plimouth which is going to decay & will rent but for Little but will Sell to good Advantage & therefore Praying that the s<sup>d</sup> Administ<sup>r</sup> may be empowered to make Sale of the s<sup>d</sup> House & Land for y<sup>e</sup> Benefit of the s<sup>d</sup> Minor.

Legislative  
Records of the  
Council, xv.,  
347.

House Jour-  
nal, p. 108.

Read & in Answer to this Petition

*Ordered* that John Cushing Esq<sup>r</sup> the Administ<sup>r</sup> within named (attend-

ing the Directions of the Province Law Impowering Administ<sup>rs</sup> to Sell Land & other real Estate & giving Security to the Judge of Probate for the County of Plimouth to Accompt for the produce thereof) he & hereby is Impowered in his s<sup>d</sup> Capacity to make Sale thereof to any person that Shall bid most for the same the Produce thereof to be disposed of for y<sup>e</sup> Paym<sup>t</sup> of the within named dec<sup>ds</sup> Just Debts & the Remainder thereof by s<sup>d</sup> Administrat<sup>r</sup> to be put into the Hands of the Gaurdian of the s<sup>d</sup> Deceased's only Child & by the s<sup>d</sup> Gaurdian improved in such Manner as shall be most for the Benefit of the said Child & accompt therefor to the s<sup>d</sup> Judge or to the s<sup>d</sup> Minor, when he shall arrive at full Age, or at such other Times as the s<sup>d</sup> Gaurdian shall be thereunto lawfully required. [*Passed December 21.*]

## CHAPTER 101.

ORDER OF NOTICE ON NATH<sup>l</sup> KINGSBERRYS PETITION AS TO TAXES.

Legislative  
Records of the  
Council, xv.,  
348.

Legislative  
Records of the  
Council, xiv.,  
339. House  
Journal, p. 117.

A PETITION of Nathanael Kingsberry of Dedham, Shewing that the Report of the Comm<sup>tee</sup> for Setting off the South Precinct there is so interpreted by the s<sup>d</sup> Precinct, that they have rated the Petition<sup>r</sup> as belonging to s<sup>d</sup> precinct which he conceives they had no right to do, & therefore Praying that the s<sup>d</sup> Committee may be directed to Explain their Report so that it may plainly Appear to w<sup>h</sup> Precinct he belongs. Read &

*Ordered* that the Petition<sup>r</sup> serve the South Precinct in Dedham with a Copy of this Petition, that they shew cause on the second Tuesday of the next May Session why the prayer of the Petition should not be granted And that the Petition be referr'd accordingly & that the South Precinct be not allowed to tax the Petition<sup>r</sup> in the mean Time. [*Passed December 21.*]

## CHAPTER 102.

ORDER FOR A TOWN MEETING AT PENNYCOOK.

Legislative  
Records of the  
Council, xv.,  
348.

House Jour-  
nal, p. 118.  
*Ante*, p. 643,  
chap. 146.

A PETITION of Benj<sup>a1</sup> Rolfe Esq<sup>r</sup> in behalf of the Inhabitants of Penicook Praying that some Person may be impowered by this Court to Summon a Meeting of the s<sup>d</sup> Inhabitants for the Choice of Officers of the s<sup>d</sup> Plantation in pursuance of the Order passd at the Session held in Dec<sup>r</sup> 1731. Read &

*Ordered* that M<sup>r</sup> Benjamin Rolf one of the principal Inhabitants of the Plantation of Penycook. be & hereby is fully impowered to Assemble & Convene the Inhabitants of s<sup>d</sup> Plantation to Chuse Officers & to do other Matters in pursuance of an Order of this Court begun & held at Boston the first day of Dec<sup>r</sup> 1731. Which Officers when chosen are to Stand until the Anniversary Meeting in March next. [*Passed December 21.*]

<sup>1</sup> The House Journal reads, "Henry."



## CHAPTER 103.

ORDER OF NOTICE ON THE MALDEN INHABITANTS PETITION TO BE  
MADE A SEPARATE PRECINCT.

A PETITION of Joses Bucknam & sundry others Inhabitants of the Southerly part of the Town of Malden, Praying that they with their Estates may be set off a Separate Precinct. Read &

Legislative  
Records of the  
Council, xv.,  
349.

*Ordered* that the Petition<sup>rs</sup> serve the Town of Malden with a Copy of this Petition that they shew Cause on the Second Wednesday of the next May Session why the Prayer thereof should not be granted & that the Petition be refer'd accordingly. [*Passed December 22.*]

House Jour-  
nal, p. 118.

## CHAPTER 104.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF FISHING  
TOWNS PRAYING FOR RELIEF FROM A TAX.

A PETITION of James Cawley & a great Number of others Inhabitants of the Town of Marblehead & other Fishing Towns Complaining of great Difficulties they are under by reason of the Demands of the Collector of the Customs upon all their fishermen of six pence Sterling *p* Month out of their Wages for y<sup>e</sup> Support of Greenwich Hospital, Praying that this Court would take some Measures for their Relief. In the House of Represent<sup>ves</sup> Read &

Legislative  
Records of the  
Council, xv.,  
350.

*Ordered* that M<sup>r</sup> Wells, M<sup>r</sup> Cushing Cp<sup>t</sup> Brown, M<sup>r</sup> Bird Coll: Wainwright & M<sup>r</sup> Gatchel with such as the Hon<sup>ble</sup> Board shall appoint be a Comm<sup>tee</sup> to take this Petition into Consideration & report to this Court in their next May Session what may be proper to be done in Answer thereto.

House Jour-  
nal, p. 122.

In Council Read & Concur'd & Thomas Hutchinson John Turner & Will<sup>m</sup> Clarke Esq<sup>rs</sup> are joined in y<sup>e</sup> Affair. [*Passed December 23.*]

## CHAPTER 105.

ORDER ON THE REPORT OF THE COMMITTEE ON THE PETITION OF  
Y<sup>E</sup> INHABITANTS OF NORTHWEST PART OF CAMBRIDGE TO BE SET  
OFF AS A PRECINCT.

THE COMMITTEE appointed to take under Consideration the Petition of James Cutler & others of the Northwesternly part of the Town of Cambridge Praying that they may be set off a distinct & Separate Precinct by the Bounds therein mentioned, Said Comm<sup>tee</sup> having repaired to the Lands petitioned for & Notified the Petition<sup>rs</sup> & the Agents for the Town of Cambridge with Cp<sup>t</sup> Bowman & other Petition<sup>rs</sup> & having carefully veiwed the place & heard the parties, are humbly of Opinion that the Lands in the Northwesternly part of said Town petitioned for be set off a distinct Precinct by the following Boundaries; viz. on Monotamy River from Charlestown till it comes to Spy Pond Brook, then on s<sup>d</sup> Brook till it comes to a Water Course or Ditch in Whitings Meadow, so called, the Ditch to be the Boundary till it comes to Hamblet's Brook following the Course of s<sup>d</sup> Brook to the Bridge, thence on a strait Line

Legislative  
Records of the  
Council, xv.,  
351.

Legislative  
Records of the  
Council, xv.,  
302, 325. House  
Journal,  
pp. 104, 125.  
*Ante*, p. 664,  
chap. 37.

to the North west Corner of Mr Isaac Holding's Orchard, & continuing the same Course to Water Town Line, And that the Inhabitants of the s<sup>d</sup> Precinct be vested with all the Powers Priviledges & Immunities that other Precincts within this Province do or by Law ought to Enjoy. In the Name & by Order of the Comm<sup>tee</sup>

EBEN<sup>s</sup> BURRILL

Read &

*Ordered* that this Report be Accepted & that the Lands above mentioned be set off a distinct Precinct accordingly. [*Passed December 28.*<sup>1</sup>

## CHAPTER 106.

VOTE ALLOWING AN ACC<sup>t</sup> OF THE TRUSTEE OF PUNCKAPAUG INDIANS.

Legislative  
Records of the  
Council, xv.,  
353.

House Jour-  
nal, p. 123.

AN ACCOMPT presented by John Quiney Esq<sup>r</sup> Trustee for the Indians of Punckapaug of his Receipts & Disbursements for them

[Read and]

*Voted* that the Accompt be Accepted & Allowed, the Ballance thereof being Twenty two pounds Sixteen shillings, to be paid to the Accomptant out of the Interest money which he may receive & that the Sum of Twenty five pounds, be further allowed him out of the Interest money for his Time & Trouble in taking Care of the Indians for the last three Years, the Capital Sum still to be accounted for. [*Passed December 28.*

## CHAPTER 107.

VOTE ADDING JOHN RUGGLES AND WILLIAM SAWYER TO THE LIST OF NARRAGANSET SOLDIERS.

Legislative  
Records of the  
Council, xv.,  
353.

House Jour-  
nal, pp. 125, 126.  
*Ante*, p. 654,  
chap. 11.

*Voted* that John Ruggles be Entered into the List of the Narraganset Soldiers in the Room of John Wheeler who stands Entered in his Father James Wheeler's Right he being Entered in his own Right as alive, & that William Sawyer be Entered in the Same List in the room of Jacob Hinckley, who stands for his Father John Hinckley, he being Entered in his own right. [*Passed December 28.*

## CHAPTER 108.

ORDER IMPOWERING HENRY WHITTEN TO BRING FORWARD A WRIT OF REVIEW, &c.

Legislative  
Records of the  
Council, xv.,  
340, 355.

Mass.  
Archives, xli.,  
125. House  
Journal, p. 129.

A PETITION of Henry Whitten of Boston Wine Cooper Shewing that Thom<sup>s</sup> Falkner of London & Eliz<sup>a</sup> his Wife at the last Superior Court of Judicature held at Boston for the County of Suffolk in a Plea of the Case for £262. 15 recovered Judgm<sup>t</sup> against the Petition<sup>r</sup> for One Hundred & fifty three pounds in Bills of Credit Althô Nothing was justly due to them from the petition<sup>r</sup> & for as much as the said Falkner is out of the province & cannot be Served with a Writ of Reveiw, Therefore praying that he may be impowered to Serve his Writ of Reveiw on William Bolland s<sup>d</sup> Falkner's Attorney

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is December 27.

Read together with the Answer of William Bollen & the same being fully considered ;

*Ordered* that the Petition<sup>r</sup> be & hereby is fully impowered to bring forward a Writt of Reveiw of the Action within mentioned at the Superior Court of Judicature to be held at Boston within & for the County of Suffolk in August next, & that the Petition<sup>r</sup> serving the Writ of Reveiw on y<sup>e</sup> said William Bollen be deemed a good Service, & the Justices of the said Court are Authorized & Directed to hear & determine the s<sup>d</sup> Action & give Judgment therein, & award Execution accordingly, And that all other Process be staid in the mean Time. [*Passed January 3.*

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## CHAPTER 109.

### ORDER ON THE PETITION OF JOHN GARDNER &c. RELATIVE TO THE DIVISION OF AN ESTATE.

A PETITION of John Gardner & others Children of John Gardner late of Salem in the County of Essex Dec<sup>d</sup> Shewing that they with others are Owners of a Farm in the s<sup>d</sup> Town containing about Five Hundred Acres of Land which they hold in Common & undivided by the said Samuel Gardner's Will Two Hundred Acres thereof being given to some of the Petition<sup>rs</sup>, but no bounds mentioned by which it is to be sett off from the Rest & therefore praying the Order of this Court for making a Partition of the said Farm agreeable to the s<sup>d</sup> Samuel Gardner's Will.

Legislative  
Records of the  
Council, xv.,  
356.

House Jour.  
nal, pp. 105, 107.

Read &

*Ordered* that the prayer of the petition be granted & that there be five Freeholders in the County of Essex to be appointed, by the Judge of Probates of Wills &c. for s<sup>d</sup> County fully authorised & impowered (being first sworn before one of His Majesty's Justices of the Peace for the County aforesaid to the faithful Discharge of their Trust) three of which Five to be a Quorum<sup>1</sup> to Settle the dividing Lines between the Sons & Daughters of the s<sup>d</sup> John Gardner dec<sup>d</sup> & to Subdivide the Said Two Hundred Acres to & among the four Surviving Daughters of the s<sup>d</sup> John in Order to their holding their proportionable Parts in Severalty, And that they return the Settlem<sup>t</sup> & Subdivision by them made under their Hands & Seals to the Register of Probate for the s<sup>d</sup> County of Essex, who is hereby directed to record the s<sup>d</sup> Settlem<sup>t</sup> & that the same shall be a full & final Determination of the Boundaries between the Sons & Daughters & also among the Daughters. [*Passed January 3.*

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## CHAPTER 110.

### ORDER FOR A TOWN MEETING AT NOTTINGHAM.

*Ordered* that M<sup>r</sup> Robert Fletcher (one of the principal Inhabitants of the Town of Nottingham) be & hereby is fully impowered to Assemble & Convene the Inhabitants of s<sup>d</sup> Town to Choose Town Officers to Stand until the Anniversary Meeting in March next. [*Passed April 4.*

Legislative  
Records of the  
Council, xv.,  
362.

House Jour.  
nal, p. 138.

<sup>1</sup> *Sic*, as to marks of parenthesis.

## CHAPTER 111.

VOTE FOR A TRACT OF LAND TO Y<sup>E</sup> PROP<sup>R</sup>TS OF SUFFIELD.

Legislative  
Records of the  
Council, xv.,  
343, 362.

House Jour-  
nal, pp. 110, 138.  
*Ante*, p. 684,  
chap. 82.

A PETITION of the proprietors of the common & undivided Lands in y<sup>e</sup> Town of Suffield, Shewing that upon the Settlem<sup>t</sup> of the dividing Line between this province & the Colony of Connecticut a great Part of their best Land was taken from them & added to the s<sup>d</sup> Colony Praying a Grant of Seven or eight miles square of unappropriated Land as an Equivalent therefor. Read & in Answer to this petition

*Voted* that the prayer of the Petition be so far granted as that the Commoners & Proprietors of the Common Lands in the Town of Suffield be & are hereby impowered by a Survey<sup>r</sup> & Chainmen on Oath to survey & lay out at their Cost & Charge the Contents of six miles square of the unappropriated Lands of this province on the West side of Connecticut River, Provided that they within the Term of seven Years from the Confirmation of the Grant Settle on the Spot Sixty Families who shall be & are hereby obliged to bring to, clear & fit for Improvem<sup>t</sup> three Acres & six Acres more well stock'd with English Grass, & also have a good convenient Dwelling House on s<sup>d</sup> Land of one Story high & eighteen feet square at least & that within the s<sup>d</sup> Term they build a good & convenient House for the publick Worship of God & settle a learned & orthodox Minister there, reserving three Lots, each Lot equal to any Settlers Lot, One for the first settled Minister, one for the Ministry & one for the School, & that they return a Plan of the Granted premisses to this Court within twelve Months for Confirmation to the s<sup>d</sup> Commoners & Proprietors their heirs & Assigns for ever. [*Passed April 5.*]

## CHAPTER 112.

## ORDER FOR A LAW BOOK FOR NOTTINGHAM.

Legislative  
Records of the  
Council, xv.,  
362.

House Jour-  
nal, p. 138.

*Ordered* that M<sup>r</sup> Benjamin Elliot be & is directed to Deliver to the Order of the Town of Nottingham one of the Law Books of the Province at the publick Charge. [*Passed April 5.*]

## CHAPTER 113.

## ORDER OF NOTICE ON JOSEPH BRANDON'S PETITION FOR A STAY OF EXECUTION.

Legislative  
Records of the  
Council, xv.,  
362.

Legislative  
Records of the  
Council, xiv.,  
409. House  
Journal, p. 139.

A PETITION of Joseph Brandon Merchant Shewing that Gyles du Lake Tidmarsh Executor of the last Will of Samuel Appleton dec<sup>d</sup> did at the last Superi<sup>r</sup> Court of Judicature held at Boston for the County of Suffolk recover Judgm<sup>t</sup> against him for the Sum of £1,635. 5. 3 being the Ballance of his Acc<sup>t</sup>, altho he lodged his Acc<sup>t</sup> of a Quantity of Fish by him Ship'd on board the Schooner Pegasus, which fully discharged the said Ballanee, but the Judges would not Suffer the Petition<sup>r</sup> Papers to be given in Evidence & committed to the Jury, That the Petition<sup>r</sup> has commenced his Action of Reveiw of the said Cause, but for as much as the s<sup>d</sup> Tidmarsh is insolvent, & the s<sup>d</sup> Appleton's Estate is represented

as insufficient to pay the Debts, The Petition<sup>r</sup> will have no Remedy by the Reveiw, thò he should obtain Judgment thereon, if the s<sup>d</sup> Tidmarsh should get the Money into His Hands therefore praying an Order of this Court for Staying the Execution against him until the Event of the Action of Reveiw.

Read &

*Ordered* that the Petition<sup>r</sup> serve M<sup>r</sup> Gyles du Lake Tidmarsh Executor of the last Will of M<sup>r</sup> Samuel Appleton dec<sup>d</sup> with a Copy of this Petition that he shew cause on Tuesday y<sup>e</sup> tenth Current why the Prayer thereof should not be granted & that the Execution within mention'd be staid in the mean Time. [*Passed April 5.*]

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## CHAPTER 114.

### ORDER FOR CALLING A TOWN MEETING AT NORTH YARMOUTH.

WHEREAS it was Ordered by this Court at their Session held the first Day of Decemb<sup>r</sup> 1731. that Liberty be given to the Inhabitants of North Yarmouth to Choose Select Men Constables & other ordinary Town Officers to manage the prudential Affairs of s<sup>d</sup> Town, but no Direction has been given for the Calling of a Meeting for that Purpose,

*Ordered* that Samuel Seabury Esq<sup>r</sup> (a principal Inhabitant of the s<sup>d</sup> Town) be & hereby is fully Authorized & Directed to call a Meeting of the Inhabitants of North Yarmouth as soon as may be with Convenience for Choosing of the Officers afores<sup>d</sup> who shall stand till the Anniversary Meeting in March next. [*Passed April 6.*]

Legislative  
Records of the  
Council, xv.,  
363.

House Jour-  
nal, p. 140.  
*Ante*, p. 641,  
chap. 143.

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## CHAPTER 115.

### ORDER FOR A LAW BOOK FOR NORTH YARMOUTH.

*Ordered* that M<sup>r</sup> Benjamin Elliot be & hereby is desired to Deliver to the Order of the Town of North Yarmouth one of y<sup>e</sup> Province Law Books at y<sup>e</sup> Province Charge. [*Passed April 6.*]

Legislative  
Records of the  
Council, xv.,  
363.

House Jour-  
nal, p. 140.

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## CHAPTER 116.

### ORDER ON THE PETITION OF COLL: JOSIAH WILLARD &c. FOR A TOWNSHIP.

A PETITION of Josiah Willard Esq<sup>r</sup> & Sixty three others, praying for a Grant of a Tract of Land of Six miles square lying on the East Side of Connecticut River, between Northfeild & the Truck house to be by them settled into a Township under such Regulations & upon such Conditions as this Court in y<sup>r</sup> wisdom shall judge most fit

In Answer to the within Petition of Coll Josiah Willard & others,

*Ordered* that the prayer of the petition be so far granted as that the petition<sup>rs</sup> be allowed by a Survey<sup>r</sup> & Chain Men under Oath to lay out a Tract of Land of the Contents of Six miles Square on the East Side of Connecticut River adjoining to the Northern bounds of Northfeild under the Limitations following viz.

Legislative  
Records of the  
Council, xv.,  
363.

House Jour-  
nal, p. 140.

That the Tract be laid out & a plan thereof presented to this Court for Confirmation within Eighteen Months next after the Date of the Grant & that within six months next after the Confirmation of the Grant there be Sixty Seven Home Lots laid out to draw equal future Divisions; And that there be within two Years from the Confirmation aforesaid Forty Families Settled on Forty of the afores<sup>d</sup> Lots, Each Family having an house of eighteen feet square, & Seven feet Stud at the least, & four Acres of Land fitted for plowing or mowing & that within three Years from the Confirmation afores<sup>d</sup> they build a convenient House for the publick Worship of God & settle a learned orthodox Minister, And that Twenty four Lots more be Settled with a suitable Family on Each Lot within ten Years, & that within two Years from the Grant the Petition<sup>rs</sup> clear & make a convenient travelling Road of Twelve feet wide from Lunenburg to Northfeild, & build an House for receiving & Entertaining Travellers on said Road about Midway between Northfeild & Lunenburg afores<sup>d</sup> And for the Encouragem<sup>t</sup> of a suitable Family to Settle in s<sup>d</sup> House, It is

*Resolved* that there shall be granted to him that shall Dwell in s<sup>d</sup> House for the Space of Seven Years from the Grant One hundred & fifty Acres of Land ab<sup>t</sup> Midway on the Road afores<sup>d</sup> & that the afores<sup>d</sup> petition<sup>rs</sup> be allowed within six months from the Date of this Grant by a Survey<sup>r</sup> & chain men under Oath to lay out the afores<sup>d</sup> One Hundred & fifty Acres, A Plan thereof to be presented to this Court for Confirmation within two Months after the Survey, and it is further

*Ordered* y<sup>t</sup> Three of the afores<sup>d</sup> Sixty Seven Lots be for publick Uses with all future Divisions belonging to Each, one Lot for the first Settld Minister, another for the Ministry the other for the use of the School, or otherwise to the three first Settled Ministers successively, Each Lot to be disposed of either the One way or the other as the Petition<sup>rs</sup> or Inhabitants shall think most for the publick Good of the Town, And it is further

*Ordered* that the Petition<sup>rs</sup> be impowered to make such Orders & Rules as may be needful & conducive to bring forward the Settle<sup>m</sup>t according to the true Intent & Meaning of this Order; And it is further

*Resolved* that in Case the Petition<sup>rs</sup> do not well & truly comply with the Terms & Conditions aforementioned, the Lands hereby granted shall revert to the Province & be & belong to it, as if this Grant had never been. [*Passed April 6.*]

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## CHAPTER 117.

### ORDER IMPOWERING EDWARD AND JOHN TYNG TO TAKE OUT A WRIT OF REVIEW.

Legislative  
Records of the  
Council, xv.,  
364.

House Jour-  
nal, p. 141.

A PETITION of Edward Tyng & John Tyng Shewing that at the inferior Court of Common pleas held in April. 1732. at York for the County of York, they brought an Action of Ejectment against Joshua Bracket of Falmouth in s<sup>d</sup> County for a Messuage & about thirty acres of Land in his Possession that the s<sup>d</sup> Joshua Bracket vouched in his Father Joshua Bracket of Greenland in the Province of New Hampshire to Defend the s<sup>d</sup> Action, that upon the Appeal Judgm<sup>t</sup> went against the Petition<sup>rs</sup>, And for as much as the Petition<sup>rs</sup> cannot Serve their Writ of Reveiw on the s<sup>d</sup> Joshua Bracket the Vouchee, he living out of the Province, Therefore praying that upon their bringing Their Writ of Reveiw, their leaving a Summons with the first named Joshua Bracket may be allowed a sufficient Service & the Action proceed thereon to Trial.

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the Petition<sup>rs</sup> be & hereby are allowed & Impowered to take out a Writ of Reveiw of the Case within mentioned to be heard at the next Superiour Court of Judicature to be held at York for the County of York in may next, & serve the said Writ on Joshua Bracket of Falmouth the Original Defendant, then & still in the possession of the within named Premisses, And the said Service shall be & hereby is Declared to be good & valid to hold the s<sup>d</sup> Joshua Bracket the Vouchee to Answer to & defend the s<sup>d</sup> Action at the s<sup>d</sup> Court, And the Justices of the s<sup>d</sup> Court are also impowered & Directed to Hear & Try said Cause, enter up Judgm<sup>t</sup> & award Execution thereupon as fully as thô the said Writt were served on the said Joshua the Vouchee. [*Passed April 6.*]

## CHAPTER 118.

### ORDER OF NOTICE ON THE PETITION OF JOSIAH SWIFT &c. OF NEW PLIMOUTH IN REGARD TO THE MINISTRY.

A PETITION of Josiah Swift Thomas Swift & others, Inhabitants of that part of Plimouth called the Monument Lands, lately set off as a Separate Precinct, Setting forth the Smallness & Poverty of the s<sup>d</sup> Precinct & their inability to Support the Ministry among them, & Praying that an Addition may be made to them out of the Town of Plimouth, or that they may have some Allowance out of the publick Treasury for maintaining a Minister, or that they may return to the Town of Plimouth as formerly.

Legislative  
Records of the  
Council, xv.,  
365.

House Jour-  
nal, p. 139.  
Records of the  
Town of Plym-  
outh, ii., 277.

Read &

*Ordered* that the Petition<sup>rs</sup> serve the Precinct within mentioned with a Copy of the Petition that they shew cause on the Second Wednesday of the next May Session why they should not be Ordered to return to Plimouth & be under the same Circumstances they were before they were Erected into a Precinct & that the Petition be referri'd accordingly. [*Passed April 6.*]

## CHAPTER 119.

### ORDER CONFIRMING A PLAT OF 161 ACRES OF LAND TO THE PROPS OF LUNENBURG.

A PLAT of One Hundred & Sixty one Acres of Land, being part of 400 Acres granted to the Town of Lunenburg by the General Court in the Year 1731. in Consideration of the like Quantity taken out of the said Town by Vertue of an old Grant made to James Kebby, Which s<sup>d</sup> 161 Acres is bounded Easterly on Connecticut River, Northerly on the Equivalent Land below Fort Dummer, & every way else by unappropriated Lands; Beginning at the lower End of said Equivalent Land, where a little Brook empties itself into said River & runs down by it about one Mile to a Bunch of White Woods standing on the Bank of it, then it runs West, Twenty Perch to the foot of a Mountain, then North twenty two Degrees West three Hundred & Forty Perch, & then East, One Hundred & thirty four Perch to where it first began, Surveyed by Jonas Houghton Survey<sup>r</sup> & two Chain Men under Oath

Legislative  
Records of the  
Council, xv.,  
365.

House Jour-  
nal, p. 142.  
*Ante*, p. 619,  
chap. 90; p. 664,  
chap. 36.

Read &

*Ordered* that the said Plan be accepted, & the Lands therein Deline-

ated & Described be & hereby are Confirmed to the Propriet<sup>rs</sup> of the Town of Lunenburg & their Assigns in full Satisfaction of the Grant of this Court of four Hundred Acres of Land made to them, Anno. 1731. Provided that the s<sup>d</sup> Plan contains no more than One Hundred & Sixty one Acres & does not interfere with any other or former Grant. The Quantity of Two Hundred & thirty nine Acres being already confirmed to the said Propriet<sup>rs</sup> in part of Satisfaction of the afores<sup>d</sup> Grant. [*Passed April 7.*]

## CHAPTER 120.

### ORDER GRANTING TO JOSEPH BRANDON A STAY OF EXECUTION.

Legislative  
Records of the  
Council, xv.,  
366.

House Jour-  
nal, p. 144.  
*Ante*, p. 696,  
chap. 113.

ON THE PETITION of Joseph Brandon [*ante*, p. 696, chap. 113]

In Council; Read together with the Answer of Gyles du Lake Tidmarsh & the same being fully Considered,

*Ordered* that the prayer of the petition be granted & that Execution of the Judgm<sup>t</sup> obtained against the Petition<sup>r</sup> by the s<sup>d</sup> Gyles du Lake Tidmarsh as within mentioned be accordingly stayed till the Event of the Trial of the Petition<sup>rs</sup> Action of Reveiw at the Superiour Court in August next In the House of Represent<sup>ves</sup> Read & Concur'd. Provided the Petition<sup>r</sup> gives Security to the Sheriff of the County of Suffolk to pay the Sum of the Judgm<sup>t</sup> recovered on the Appeal in Case the same should not be reversed at the Superiour Court in August next.

In Council Read & Concur'd. [*Passed April 12.*]

## CHAPTER 121.

### ORDER ALLOWING THE ACCT OF Y<sup>E</sup> COUNTY TREASURER OF PLIMOUTH.

Legislative  
Records of the  
Council, xv.,  
367.

House Jour-  
nal, p. 154.

AN ACCOMPT presented by Cp<sup>t</sup> John Dyer Treasurer of the County of Plymouth for the Year. 1731, Having been laid before the Court of General Sessions of the peace for s<sup>d</sup> County & by them allowed. Read &

*Toted* that this Accompt be allowed, & that the Sum of One Hundred & Eighty two pounds twelve Shillings & ten pence the Ballance thereof the Accomptant is further to Accompt for. [*Passed April 12.*]

## CHAPTER 122.

### ORDER IMPOWERING NATH<sup>l</sup> ALEXANDER TO SURVEY AND LAY OUT 300 ACRES OF LAND.

Legislative  
Records of the  
Council, xv.,  
368.

House Jour-  
nal, p. 143.

A PETITION of Nathanael Alexander of North Hampton Setting forth his great Services Losses & Sufferings in divers Indian Wars, more especially in his being Pilot to many Companies that went out against the Indian Enemy by w<sup>ch</sup> means they obtained considerable Success. Shewing also his Great Age & Poverty; And praying that this Court would make him some Allowance for his Support.

Read & in Answer to this Petition,

*Ordered* that the Petition<sup>r</sup> have leave by a Survey<sup>r</sup> & Chainmen on



Oath to Survey & lay out in a regular Form Three Hundred Acres of the unappropriated Lands of the Province in the County of Hampshire & return a Plat thereof to this Court within Twelve months for Confirmation. [*Passed April 12.*]

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## CHAPTER 123.

### ORDER OF NOTICE ON THE BILLERICA PETITION FOR CONTINUANCE OF THE ANCIENT BOUNDS.

A PETITION of the Select men of the Town of Billerica Shewing that the Town of Wilmington claim some Lands in the s<sup>d</sup> Town of Billerica, being part of a Tract called M<sup>r</sup> Jacques's Farm by vertue of a Clause in the Act for their Establishm<sup>t</sup> altho it was never intended by the Court nor so much as ask'd for by the Inhabitants that any part of Billerica should be set to Wilmington but only that part of M<sup>r</sup> Jaques's Farm that lay in the Town of Woburn Therefore praying the Order of this Court that the Town of Billerica may be continued in the uninterrupted Possession of their Ancient Bounds. Read &

*Ordered* that the Petition<sup>rs</sup> serve the Town of Wilmington with a Copy of this Petition, that they shew Cause on the Second Tuesday of the next May Session why the Prayer thereof should not be granted, And that the Petition be referr'd for further Consideration in the mean Time. [*Passed April 12.*]

Legislative  
Records of the  
Council, xv.,  
368.

House Jour-  
nal, p. 153.  
Province  
Laws, ii., 556,  
chap. 2.

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## CHAPTER 124.

### ORDER OF NOTICE ON THE PETITION OF JOS: ELLIS & OTHERS OF DEDHAM TO BE DISMISSED FROM THE PRECINCT.

A PETITION of Joseph Ellis & others Inhabitants of the Southerly Precinct in Dedham Shewing that they have had long Contentions in the s<sup>d</sup> precinct about placing their Meeting House & that upon Application to the General Court they Stated the Place & the Precinct raised Money for building it which a Discontented party in the North Part have laid out in building a Meeting House in another Place, Praying that the Petition<sup>rs</sup> may be set back to the Old Parish in Dedham. Read &

*Ordered* that the Southerly Precinct in Dedham be served with a Copy of this Petition, that they shew Cause, if any they have on the Second Tuesday of the next May Session why the prayer thereof should not be granted. [*Passed April 13.*]

Legislative  
Records of the  
Council, xv.,  
369.

House Jour-  
nal, p. 155.  
*Ante*, p. 596,  
chap. 39.

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## CHAPTER 125.

### VOTE FOR GRANTING FOUR NEW TOWNS.

IN ANSWER to that part of His Excellency's Speech which relates to the ungranted Lands of the Province Upon Consideration y<sup>t</sup> Power Is given the General Assembly to Grant Lands especially for the Planting or Settling of the province, & that by the Great Increase of His Majesty's good Subjects, many that are inclined to Industry have not been able to obtain Lands for the Employ<sup>m</sup>t of them selves, & Families, &

Legislative  
Records of the  
Council, xv.,  
379.

Legislative  
Records of the  
Council, xv.,  
254, 269, 282.

House Journal, pp. 23, 24, 53, 54. *Infra*, chaps. 127, 128, 130.

great numbers have removed to Neighbouring Colonies for their Accommodation.

*Voted* that there be four Towns opened of the Contents of Six Miles square Each viz. One at Paquoiaog on Miller's River, Two on Ashuweet River above Northfeild, the other in the Eastern Country at the Head of Berwick, all to be surveyed in October or November next at furthest by the Direction of Comm<sup>tees</sup> to be appointed by the General Court & their several Surveys to be Reported at the Fall Session & the Charge of the Comm<sup>tee</sup> & Survey to be paid out of the publick Treasury y<sup>e</sup> Comm<sup>tees</sup> be appointed to admit Settlers & to lay out the House Lots so that y<sup>e</sup> Settlements may be made in a Defensible manner, & to direct in the drawing thereof, but not to lay out any other Divisions without further Directions from this Court, Each Home Lot to consist of so many Acres as the Court shall Order After Report is made of the Quality & other Circumstances of the Land, the Comm<sup>tees</sup> to be paid as the Court shall Order, that there be sixty three House Lots laid out in Each Township, One for the first Settled Minister, One for the Ministry, one for the School & one for Each of the Sixty Settlers who shall Settle thereon in his own person or by one of his Children The rest of the Land to be allotted or Divided equally into Sixty three Parts; That one Year be allowed from the Survey for the Admission of Settlers, And that the Comm<sup>tee</sup> be directed to Demand & receive from Each Settler at his admission Five pounds part of which shall be employed for reimbursing the Province the Money to be advanced for paying the Committee & the Charge of the Survey, the remaining part to be employed for building Houses for publick Worship or other wise as the General Court shall Order, That Each Settler actually live on his Lands within three Years from his Admission, build an House on his Land of eighteen feet square & Seven feet Stud at the least, & within the same Time do sufficiently fence in & till or fit for mowing Eight Acres of Land, Each Settler to have his Land on Condition that he perform the foregoing injunctions, & in Case any Settler fail of performance in the whole or in part, his Right to be forfeited & such Land shall revert to the province & the Comm<sup>tee</sup> to be appointed to Admit Settlers are directed at the Time of Admission to take a Bond of Twenty pounds of each Settler to be paid to them or their Successors for the Use & Benefit of the Settlers in Case he fail of performing the several Conditions & Injunctions before mentioned, & that the Settlers in each Town to be obliged to build a sutable meeting house & to settle a learned orthodox Minister in such Town within the space of five Years from the Admission of the Settlers. [*Passed April 20.*]

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## CHAPTER 126.

ORDER OF NOTICE, WITH STAY OF EXECUTION, ON THO<sup>s</sup> DEBUKES PETITION PRAYING FOR RELIEF FROM A JUDGMENT.

Legislative Records of the Council, xv., 381.

House Journal, p. 157.

A PETITION of Thomas Debukey of Boston Butcher Shewing that he purchased a Parcel of Cattle of John Anderson of Windsor in the Colony of Connecticut & Joseph Colton of Springfield in this Province in Partnership & paid to the s<sup>d</sup> Colton the whole of the Money for which they agreed, except Twenty two pounds. Notwithstanding which the said Anderson sued the Petition<sup>r</sup> in August last at the Inferiour Court of Common Pleas for the County of Hampshire for the whole Debt being £164 & by reason of his Attorney's failing to attend the Action, recovered Judgment against him for that Sum & therefore

praying that he may be impowered to reveiw the s<sup>d</sup> Action at the next Inferiour Court for the s<sup>d</sup> County, & for as much as the s<sup>d</sup> Anderson lives out of the Province, that the Petition<sup>r</sup> may be allowed to Serve his Writ on the s<sup>d</sup> Colton as the s<sup>d</sup> Anderson's Attorney & that the Execution against him may be Stayed in the mean Time.

Read & in Answer to this Petition

*Ordered* that the Petition<sup>r</sup> serve M<sup>r</sup> Joseph Colton of Springfield Attorney to the s<sup>d</sup> John Anderson with a Copy thereof that he shew Cause on the third Wednesday of the next May Session, why the prayer thereof should not be granted & that Execution within mentioned be stayed in the mean Time & the petition referr'd accordingly. [*Passed April 20.*]

## CHAPTER 127.

### VOTE APPOINTING A COMM<sup>TEE</sup> TO LAY OUT A NEW TOWN IN Y<sup>E</sup> EASTERN PARTS.

In the House of Represent<sup>ves</sup>

*Voted* that Joseph Hill Esq<sup>r</sup> & M<sup>r</sup> John Tyng & M<sup>r</sup> John Hobson with such as the Hon<sup>ble</sup> Board shall join be a Comm<sup>tee</sup> to Survey & lay out by a Survey<sup>r</sup> & Chain men on Oath the new Township at the Head of Berwick agreeable to the Vote of the third of July last & return a Plan thereof to this Court in their next May Session.

In Council Read & Concur'd And William Pepperill & Timothy Gerish Esq<sup>rs</sup> are joined in the Affair above. [*Passed April 20.*]

Legislative  
Records of the  
Council, xv.,  
382.

House Jour-  
nal, pp. 53, 54,  
159. *Ante*,  
p. 701, chap.  
125.

## CHAPTER 128.

### VOTE APPOINTING A COMM<sup>TEE</sup> TO LAY OUT THREE NEW TOWNS IN THE WESTERN PARTS.

In the House of Represent<sup>ves</sup>

*Voted* that Major Chandler, M<sup>r</sup> Choate & M<sup>r</sup> Samuel Chandler with such as the Hon<sup>ble</sup> Board shall appoint be a Comm<sup>tee</sup> to Survey & lay out by a Survey<sup>r</sup> & Chain men on Oath the three New Towns in the Western Frontiers agreeable to the Vote of the third of July last. Viz. One at Paquoia<sup>g</sup> & two at Ashawelet River & return Plans thereof to this Court in the next May Session

In Council; Read & Concur'd & the Hon<sup>ble</sup> Spencer Phips Esq<sup>r</sup> & William Dudley Esq<sup>r</sup> are joined in the Affair. [*Passed April 20.*]

Legislative  
Records of the  
Council, xv.,  
382.

House Jour-  
nal, pp. 53, 54,  
159. *Ante*,  
p. 701, chap.  
125.

## CHAPTER 129.

### VOTE REFERRING TO M<sup>r</sup> JOHN TYNG AS COLLECT<sup>R</sup> OF EXCISE.

WHEREAS M<sup>r</sup> John Tyng a Member of the House at the beginning of the first Sitting of this Court was chosen Collector of Excise for the County of York for the Year Current, & the General Court being Assembled at the Time of holding the Courts of General Sessions of the Peace for said County ever since the s<sup>d</sup> Choice, & he having attended his Duty here whereby he has been prevented giving Bond before the

Legislative  
Records of the  
Council, xv.,  
384.

Legislative  
Records of the  
Council, xv.,  
288. House  
Journal, p. 163.

said Court of Sessions & there being now no Court of Sessions to be held there during the Year,

*Voted* that the said M<sup>r</sup> John Tyng forthwith give Bond to the Province Treasurer in double the Sum usually collected for Excise annually in the County of York with sufficient Sureties for the faithful Discharge of his Duty in the Collector's Office aforesaid Which shall be as valid & binding as if it had been made before the Court of Sessions for the County of York. [*Passed April 24.*]

## CHAPTER 130.

### VOTE ON ZECHARIAH FEILD'S PETITION FOR PURCHASE OF INDIAN LANDS.

Legislative  
Records of the  
Council, xv.,  
384. Mass.  
Archives,  
xlii., 55.

Mass.  
Archives,  
xlii., 53.  
House Jour-  
nal, p. 164.  
*Ante*, p. 701,  
chap. 125.

A PETITION of Zechariah Feild of Northfeild Shewing that divers Years since, at the Instance of some Gentlemen he purchased of one Pompanoot the Propriet<sup>r</sup> of a Tract of Land containing ab<sup>t</sup> thirty thousand Acres lying on Miller's River the Indian Right thereof, & for as much as this Court have granted a Township in that Place, And if the s<sup>d</sup> Indian Right were now to be purchased it could not be had but at a great Price, Therefore praying for some Consideration from the Court for the Native Right of the said Lands

Read and Committed to the Committee Appointed to lay out the three Townships in the County of Hampshire to Consider hereof and that they report their Opinion in the next May Session what they may think proper for the Court to do in answer thereto, and that the petition be referred in the mean time. [*Passed April 24.*]

## CHAPTER 131.

### VOTE FOR A MEETING OF Y<sup>E</sup> PROPRIET<sup>RS</sup> OF Y<sup>E</sup> NEW TOWN ABOVE NORTHFEILD.

Legislative  
Records of the  
Council, xv.,  
385.

House Jour-  
nal, p. 165.  
*Ante*, p. 697,  
chap. 116.

*Voted* that Coll: Josiah Willard be & hereby is fully authorised & impowered to Assemble & Convence<sup>1</sup> the Propriet<sup>rs</sup> or Grantees of the Plantation lately made by this Court of a Tract of Land on the Easterly side of Connecticut River above Northfeild at such Time & Place as he shall appoint to choose a Moderator & Clerk & to make such Orders & Rules as may be proper & needful to bring forward the Settlem<sup>t</sup> of the Plantation according to the Conditions of y<sup>e</sup> Grant. [*Passed April 25.*]

## CHAPTER 132.

### VOTE FOR A MEETING OF Y<sup>E</sup> PROPRIET<sup>RS</sup> OF THE NEW TOWN NEAR RUTLAND.

Legislative  
Records of the  
Council, xv.,  
385.

House Jour-  
nal, pp. 15, 139,  
141, 163.

*Voted* that M<sup>r</sup> John Bennet be & hereby is authorized & impowered to Assemble & Convene the Propriet<sup>rs</sup> or Grantees of the Plantation lately made by this Court of a Tract of Land beginning six miles from Rutland Northwest Corner, of the Contents of six miles Square at such Time & Place as he shall appoint, to Choose a Moderator & Clerk &

<sup>1</sup> *Sic.*

to make such Orders & Rules as may be proper & needful to bring forward the Settlem<sup>t</sup> of the s<sup>d</sup> Plantation according to the Conditions of the Grant. [*Passed April 25.*]

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## CHAPTER 133.

### VOTE FOR A MEETING OF Y<sup>E</sup> PROPRIET<sup>RS</sup> OF THE NEW TOWN ON MERRIMACK RIVER.

*Voted* that M<sup>r</sup> John Collin be & hereby is fully authorized & impowered to Assemble & Convince<sup>1</sup> the Propriet<sup>rs</sup> or Grantees of a Plantation lately made by this Court of a Tract of Land of Seven Miles square above Penicook on the West side of Merrimack River at such Time & Place as he shall appoint to Choose a Moderator & Clerk & to make such Orders & Rules as may be proper & needful to bring forward the Settlem<sup>t</sup> of the s<sup>d</sup> Plantation according to the Conditions of the Grant. [*Passed April 25.*]

Legislative  
Records of the  
Council, xv.,  
385.

House Jour-  
nal, p. 165.  
*Ante*, p. 683,  
chap. 86.

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## CHAPTER 134.

### VOTE APPOINTING A COMM<sup>TEE</sup> ON Y<sup>E</sup> AFFAIR OF Y<sup>E</sup> GORE OF LAND TO ATTEND Y<sup>E</sup> COMMISS<sup>RS</sup>.

In the House of Represent<sup>ves</sup>  
*Voted* that Samuel Welles Esq<sup>r</sup> Cp<sup>t</sup> Foster Coll: Church, M<sup>r</sup> Shove & Coll: Wainwright with such as shall be joined by the Hon<sup>ble</sup> Board be a Comm<sup>tee</sup> to attend the Commission<sup>rs</sup> which are or shall be appointed to Determine the Line or Boundary between that Part of the province of the Massachusetts Bay late the Colony of Plimouth & the Colony of Rhode-Island & that they represent & act before the s<sup>d</sup> Commission<sup>rs</sup> on the part of the Government agreeable to the Act made for that purpose In Council Read & Concur'd & Samuel Thaxter Will<sup>m</sup> Dudley & Ezekiel Lewis Esq<sup>rs</sup> are join'd in y<sup>e</sup> Affair. [*Passed April 25.*]

Legislative  
Records of the  
Council, xv.,  
385.

House Jour-  
nal, p. 164.  
Province  
Laws, II., 624,  
chap. 15; 665,  
chap. 16.  
*Ante*, p. 687,  
chap. 89.

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## CHAPTER 135.

### ORDER REFERRING TO THE NEXT MAY SESSION A MEM<sup>o</sup> OF WILL<sup>m</sup> PEPPERILL ESQ<sup>RS</sup> &c. IN REGARD TO LAND CONVEYED BY DEED OF TRUST.

A MEMORIAL of William Pepperill Esq<sup>r</sup> Mess<sup>rs</sup> Charles Chauncy Nath<sup>l</sup> Balston & Addington Davenport Shewing that in the Month of March. 1731. they made a Deed to Jeremiah Allen & Joseph Wadsworth Esq<sup>rs</sup> in Trust for the province of the Stables & Land they stand on now in the Occupation of the Govern<sup>r</sup> but have not yet been able to obtain the Consideration Money therefor & for as much as they have now an Opportunity to Sell the s<sup>d</sup> Land & Stables to better Advantage they desire that this Court would Order the paym<sup>t</sup> of their Money with Interest, or not be displeased if they should dispose of y<sup>e</sup> Estate otherwise Read & *Ordered* that this Memorial be referr'd to the next May Session for further Consideration & that the Memorialists be desired not to dispose of the Lant<sup>l</sup> & Premises in y<sup>e</sup> meantime. [*Passed April 25.*]

Legislative  
Records of the  
Council, xv.,  
386.

House Jour-  
nal, pp. 152, 160.

<sup>1</sup> *Sic.*

## CHAPTER 136.

ORDER ACCEPTING THE REPORT ON Y<sup>E</sup> PETITION OF JAMES DRAPER  
&c. OF STOUGHTON TO BE ANNEXED TO THE TOWN OF DEDHAM.

Legislative  
Records of the  
Council, xv.,  
386.

House Jour-  
nal, p. 160.  
*Ante*, p. 691,  
chap. 99.

WILL<sup>M</sup> DUDLEY ESQ<sup>R</sup> from a Comm<sup>tee</sup> of both Houses on the Petition of James Draper & others of y<sup>e</sup> Town of Stoughton [*ante*, p. 691, chap. 99] gave in y<sup>e</sup> following Report viz. The comm<sup>tee</sup> appointed by this Court to repair unto Stoughton to veiw & Consider the Circumstances of the Inhabit<sup>s</sup> dwelling on y<sup>e</sup> northwesterly Side of Neponset River, having been there & heard the parties concerned are humbly of Opinion that the Petition of James Draper & others be so far Granted as that y<sup>e</sup> Petition<sup>rs</sup> & their Estates in their own possession on the Northwest-erly side of s<sup>d</sup> River be to all Intents & Purposes annexed unto & deemed a part of Dedham upon y<sup>r</sup> Admission into that Town upon a legal Meet-ing therefor, they to do Duty & enjoy Priviledges there as other the Inhabitants of Dedham.

By Order of the whole Committee WILL<sup>M</sup> DUDLEY.

Read &

*Ordered* that this report be Accepted & that the Petition<sup>rs</sup> above men-tion'd be & hereby are set off from the Town of Stoughton & Annexed to y<sup>e</sup> Town of Dedham accordingly. [*Passed April 25.*]

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RESOLVES, ORDERS, VOTES,  
ETC.

PASSED 1733-34.

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# LEGISLATIVE LIST<sup>1</sup>

FOR

1733-34.

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HIS EXCELLENCY JONATHAN BELCHER,  
CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

JOSIAH WILLARD, Esq.,  
SECRETARY OF THE PROVINCE.

---

## COUNCILLORS OR ASSISTANTS.<sup>2</sup>

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

BENJAMIN LYNDE  
THOMAS HUTCHINSON  
PAUL DUDLEY  
SAMUEL THAXTER  
JOHN TURNER  
SIMONDS EPES  
THOMAS PALMER  
WILLIAM DUDLEY  
JONATHAN REMINGTON

} ESQRS.

WILLIAM CLARK  
JOHN ALFORD  
EBENEZER STONE  
JOSEPH WADSWORTH  
THOMAS CUSHING  
JOHN OSBORNE  
EBENEZER BURRILL  
EZEKIEL LEWIS  
FRANCIS FOXCROFT

} ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plimouth;*

ISAAC WINSLOW  
MELATIAH BOURN

} ESQRS.

SETH WILLIAMS  
ISAAC LOTHROP

} ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Main;*

WILLIAM PEPPERILL, JUNIOR, TIMOTHY GERRISH & SAMUEL CAME, ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

JOHN JEFFRIES, ESQ.

<sup>1</sup> See Legislative Records of the Council, xv., 389-392.

<sup>2</sup> Payne Mahew for the Province at large, elected by the House of Representatives, was rejected by the Governor. — Legislative Records of the Council, xv., 392.

*For the Province, at large: —*

EDWARD GODDARD, ESQ.

REPRESENTATIVES OR DEPUTIES.

*May 30, 1733 to April 19, 1734.*

MR. JOHN QUINCY, SPEAKER.

COUNTY OF SUFFOLK.

*Boston*, . . . Elisha Cooke, Esq.,  
                   Samuel Welles, Esq.,  
                   Mr. Thomas Cushing, Jr.,  
                   Mr. Oxenbridge Thatcher.  
*Roxbury*, . . . John Bowles, Esq.  
*Dorchester*, . . . Mr. Benjamin Bird.  
*Milton*, . . . Mr. John Wadsworth.  
*Braintree*, . . . John Quincy, Esq.  
*Weymouth*, . . . Mr. Thomas White.  
*Hingham*, . . . Capt. John Jacob.  
*Dedham*, . . . Mr. Joseph Ellis.  
*Medfield*, . . . Mr. Joshua Morse.  
*Wrentham*, . . . Mr. William Man.  
*Stoughton*, . . . Mr. Moses Gill.

COUNTY OF ESSEX.

*Salem*, . . . Daniel Epes, Esq.,  
                   Capt. Benjamin Brown.  
*Ipswich*, . . . Mr. Jonathan Fellows,  
                   Mr. John Choate.  
*Newbury*, . . . Mr. Cutting Moody.  
*Marblehead*, . . . Mr. James Gatchell,  
                   Capt. Abraham Howard.  
*Lynn*, . . . Mr. Richard Johnson.  
*Haverhill*, . . . Mr. William White.  
*Roxley*, . . . Mr. John Hobson.  
*Salisbury*, . . . Mr. Isaac Morrill.  
*Gloicester*, . . . Mr. James Sayward.  
*Beverly*, . . . Mr. Robert Hale.  
*Andover*, . . . Mr. Joseph Parker.  
*Topsfield*, . . . Mr. Jacob Peabody.  
*Wenham*, . . . Mr. William Fairfield.  
*Boxford*, . . . Capt. Joseph Hale.  
*Bradford*, . . . Mr. John Hutchins.  
*Amesbury*, . . . Mr. John Blaisdale.

COUNTY OF MIDDLESEX.

*Cambridge*, . . . William Brattle, Esq.  
*Charlestown*, . . . Mr. Stephen Hall,  
                   Mr. Samuel Webb.  
*Watertown*, . . . Mr. Joseph Mason.  
*Concord*, . . . Mr. Samuel Chandler.

COUNTY OF MIDDLESEX — *Concluded.*

*Newtown*, . . . Mr. Richard Ward.  
*Sudbury*, . . . Mr. Jonathan Rice.  
*Marlboro*, . . . Mr. Joseph Rice.  
*Groton*,<sup>1</sup> . . . Nathanael Sartle, Esq.  
*Frammingham*, . . . Joseph Buckminster, Jr.,  
                   Esq.  
*Chelmsford*, . . . Mr. John Richardson.  
*Billerica*, . . . Capt. Benjamin Thompson.  
*Reading*, . . . Kendal Parker, Esq.  
*Malden*, . . . Mr. Timothy Sprague.  
*Lexington*, . . . Fran[c]is Bowman, Esq.  
*Weston*, . . . Mr. Ebenezer Allen.  
*Woburn*, . . . Mr. Samuel Richardson.

COUNTY OF HAMPSHIRE.

*Springfield*, . . . Mr. John Worthenton.  
*Northampton*, . . . John Stoddard, Esq.  
*Hatfield*, . . . Capt. Israel Williams.  
*Hadley*, . . . Mr. Moses Cook.  
*Westfield*, . . . Mr. Thomas Ingersol.  
*Suffield*, . . . Mr. Christopher Jacob  
                   Laughton.  
*Enfield*, . . . Mr. Ephraim Terrey.

COUNTY OF WORCESTER.

*Worcester*, . . . John Chandler, Jun., Esq.  
*Lancaster*, . . . Mr. James Keyes.  
*Mendon*, . . . Capt. Thomas Thayer.  
*Woodstock*, . . . Mr. William Lyon.  
*Brookfield*, . . . Joseph Dwight, Esq.  
*Leicester*, . . . Capt. Josiah Converse.

COUNTY OF PLIMOUTH.

*Plimouth*, . . . James Warren, Esq.  
*Scituate*, . . . Mr. Thomas Bryant.  
*Marshfield*, . . . John Little, Esq.  
*Duxbury*, . . . John Alden, Esq.  
*Bridgewater*, . . . Isaac Johnson, Esq.  
*Middleborough*, . . . Mr. Samuel Barrow.  
*Rochester*, . . . Capt. Benjamin Hammond.  
*Plympton*, . . . Mr. Samuel Bradford.  
*Pembroke*, . . . Mr. Elisha Bysby.

<sup>1</sup> For Groton.

COUNTY OF BARNSTABLE.

*Barnstable*, . . . Shubal Gorham, Esq.  
*Yarmouth*, . . . Mr. Samuel Sturges, Junior.  
*Sandwich*, . . . Ezra Bourn, Esq.  
*Eastham*, . . . Mr. William Payne.  
*Harwich*, . . . Edmund Freeman, Esq.

COUNTY OF BRISTOL.

*Bristol*, . . . Charles Church, Esq.  
*Tuulton*, . . . Capt. James Leonard.  
*Rehoboth*, . . . Mr. James Bowen.  
*Swanzey*, . . . Capt. Joseph Mason.  
*Little Compton*, Thomas Church, Esq.  
*Dartmouth*, . . . Capt. John Akin.  
*Attleboro*, . . . Mr. Nathanael Carpenter.

COUNTY OF BRISTOL—*Concluded.*

*Tiverton*, . . . Job Almy, Esq.  
*Dighton*, . . . Mr. Edward Shove.  
*Norton*, . . . Mr. Samuel Clap.

COUNTY OF YORK.

*Fork*, . . . Mr. Richard Milberry.  
*Kittery*, . . . Capt. Nicholas Shapleigh.  
*Wells*, . . . Joseph Hill, Esq.  
*Berwick*, . . . Mr. Richard Lord.  
*Falmouth*, . . . Thomas Westbrook, Esq.

DUKES COUNTY.

*Edgartown*, . . . Enoch Coffin, Esq.  
*Chilmark*, . . . Zaccheus Mayhew, Esq.



# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE THIRTIETH DAY OF MAY, A.D. 1733.

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## CHAPTER 1.

VOTE INCREASING THE COMMITTEE ON THE GREENWICH HOSPITAL  
TAX ON COLONIAL FISHERMAN.

*Voted* that Cp<sup>t</sup> Abraham Howard be Added to the Comm<sup>tee</sup> on the  
Affair of Greenwich Hospital. [*Passed June 1.*]

Legislative  
Records of the  
Council, xv.,  
393.

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Mass.  
Archives, lii.,  
428. House  
Journal, p. 8.  
*Akte*, p. 633,  
chap. 104.

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## CHAPTER 2.

ORDER ALLOWING THE ACC<sup>t</sup> OF Y<sup>E</sup> COUNTY TREAS<sup>R</sup> OF BARNSTABLE.

AN ACCOMPT presented by Ebenezer Lewis Treasurer of the County of  
Barnstable, having been by him laid before the Court of General Sessions  
of y<sup>e</sup> Peace for the s<sup>d</sup> County & by them Accepted & Allowed      Read  
& Accepted &

*Ordered* that this Acc<sup>t</sup> be Allowed. [*Passed June 1.*]

Legislative  
Records of the  
Council, xv.,  
393.

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House Jour-  
nal, p. 7.

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## CHAPTER 3.

VOTE INCREASING COMM<sup>TEE</sup> ON THE AFFAIR OF THE GORE.

*Voted* that Major Brattle be added to the Comm<sup>tee</sup> appointed in April  
last to attend y<sup>e</sup> Commission<sup>rs</sup> appointed to determine y<sup>e</sup> Line or bound-  
ary between that Part of the Province of the Massachusetts Bay late  
y<sup>e</sup> Colony Of Plimouth & the Colony of Rhode Island & that a major  
Part of that Comm<sup>tee</sup> be a Quorum fully empower'd to act in that Affair.  
[*Passed June 5.*]

Legislative  
Records of the  
Council, xv.,  
393.

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Legislative  
Records of the  
Council, xv.,  
393. House  
Journal, p. 10.  
*Akte*, p. 705,  
chap. 134.

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## CHAPTER 4.

ORDER ALLOWING THE ACC<sup>t</sup> OF Y<sup>E</sup> COUNTY TREAS<sup>R</sup> OF WORCESTER.

AN ACCOMPT. presented by Jonathan Houghton Treasurer of the  
County of Worcester for the Year. 1732. having been by him laid  
before y<sup>e</sup> Court of General sessions of the Peace for y<sup>e</sup> s<sup>d</sup> County &  
by them Allowed.      Read & Accepted &

*Ordered* that this Accompt be allowed. [*Passed June 5.*]

Legislative  
Records of the  
Council, xv.,  
394.

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House Jour-  
nal, p. 9.

## CHAPTER 5.

## VOTE CONFIRMING A PLAT OF 200 ACRES OF LAND GRANTED TO JAS HOVEY.

Legislative  
Records of the  
Council, xv.,  
335. Maps and  
Plans, Ms.,  
viii., 3.

Maps and  
Plans, Ms.,  
viii., 3. House  
Journal, p. 8.  
*Ante*, p. 574,  
chap. 89.

A PLAT of two Hundred Acres of Land laid out by William Chandler Survey<sup>r</sup> & two Chain Men under Oath to fulfill a Grant made by the last Court to James Hovey, Beginning at a red Oak Tree standing on The South West Bank of Ware River & running from thence South 40°. 00", West one Hundred & Sixty nine Rods, to a Pitch Pine Tree, from thence West, 11°. 00', North One Hundred & Sixty four Rods to a Heap of Stones, from thence North. 38°. 30' East One Hundred & Sixty five Rods, to a red Oak Tree, from thence East. 14°. 00, North One Hundred & Sixty eight Rods, to a Hemlock Tree on Ware River aforesaid & from thence by the River to the Place where it began

Read and Accepted and

*Voted* that the Lands within delineated and described be and are hereby confirmed to the said James Hovey his heirs and Assigns for Ever, provided it exceeds not the quantity of two hundred Acres, or does not interfere with any former Grant. [*Passed June 5.*<sup>1</sup>

## CHAPTER 6.

## VOTE, CONFIRMING A PLAT OF A TOWNSHIP ON CONTOOCCOOK RIVER.

Legislative  
Records of the  
Council, xv.,  
394. Maps and  
Plans, Ms.,  
viii., 8.

Maps and  
Plans, Ms.,  
viii., 8. House  
Journal, p. 11.  
*Ante*, p. 685,  
chap. 86.

A PLAT of a Township granted at the last Court to John Coffin & others lying on Merrimack River above Penicook,<sup>2</sup> survey'd by Richard Hazzen jun<sup>r</sup> & two Chain Men on Oath, being Bounded as follows: Viz. Beginning at the Middle of Contoocook River where it empties it self into Merrimack, where it Joins on Penicook Plantation, Thence running West. 15°. 00, South adjoining on Penicook Line four Miles to a white Pine Tree, mark'd for Penicook Corner Bounds, thence further on the same Line three Miles & Eight Poles to a Norway Pine mark'd for the Corner Bounds, Thence turned at right Angles & runs North, 15°. 00, West Seven Miles & eight Poles to a crotched white Birch Lettered, Standing on the South East Side of a Hill which is the Northwest Corner, Thence turned & right Angles, & runs East. 15°. 00", North, near Seven Miles & an half to a white Oak & two White Pines mark'd by Merrimack River & by s<sup>d</sup> River as it runs, to Contoocook River to y<sup>e</sup> place, where it first began

Read and

*Voted* That this Plat be Accepted and that the Lands within delineated & described be and hereby are Confirmed unto the within named John Coffin Joseph Dole & other petitioners their heirs and assigns for Ever They complying with the Orders & Conditions in the Grant on their petition passed in December last: provided the plat does not Contain more than the<sup>3</sup> Contents of seven Miles square and does not interfere with any other or former Grant. [*Passed June 6.*

<sup>1</sup> This date is according to Maps and Plans; according to Legislative Records of the Council the date is June 6.

<sup>2</sup> "Berwick," in the State Library copy, Legislative Records of the Council, xv., 380.

<sup>3</sup> MS. mutilated.

## CHAPTER 7.

VOTE FOR TAXING LAND IN Y<sup>E</sup> NORTH PART OF RUTLAND FOR THE SUPPORT OF THE MINISTRY.

A PETITION of Thomas Frink of Rutland Clerk, Setting forth his Slender Support in the work of the Ministry there & the poverty of the Inhabitants as also the Benefit of the Propriet<sup>rs</sup> of Rutland they receive from the Settlem<sup>t</sup> of a Minister in the s<sup>d</sup> Town by the rising of their Lands in Value, & therefore praying the Order of this Court for Taxing the Propriet<sup>rs</sup> of the Northerly half of Rutland, one farthing an Acre p<sup>p</sup> Annum for y<sup>e</sup> Space of five Years for their Land in that part, for the Petition<sup>rs</sup> Support in the Ministry

Legislative  
Records of the  
Council, xv.,  
395.

House Jour-  
nal, pp. 8, 10.

Read &

*Voted* that the Assessors of Rutland be impowered & directed to Tax the propriet<sup>rs</sup> of the Land in the Northerly half part of the Town during the Space of five Years next ensuing at one farthing p<sup>p</sup> Acre annually to be paid to the Minister of that Town as an addition to his Salary, But in Case it should happen that the propriet<sup>rs</sup> before the Expiration of the s<sup>d</sup> Term do bring forward a Settlem<sup>t</sup> on said Northerly part of Rutland that from thence forward there be no further Tax raised on those Lands by Vertue of this Order. [*Passed June 6.*]

## CHAPTER 8.

## ORDER IMPOWERING ISAAC COLTON &amp;c. TO SURVEY 200 ACRES OF LAND.

A PETITION of Isaac Colton Jun<sup>r</sup> & Stephen Williams of Springfield Shewing that this Court made a Grant of two Hundred Acres of Land to Cp<sup>t</sup> Thom<sup>s</sup> Colton to be taken up in the first Township that shall be laid out in the County of Hampshire after July. 1728. (The Time of the Grant) that the Petition<sup>rs</sup> have purchased this Grant, & therefore praying an Order of this Court for laying it out in the Township lately granted to Joshua Lamb Esq<sup>r</sup> & others in the s<sup>d</sup> County of Hampshire

Legislative  
Records of the  
Council, xv.,  
396.

House Jour-  
nal, p. 11.  
*Ante*, p. 369,  
chap. 200;  
p. 656, chap. 16.

Read &

*Ordered* that the Petition<sup>rs</sup> be allowed & impowered to survey & lay out by a Survey<sup>r</sup> & Chainmen on Oath Two Hundred Acres of the unappropriated Lands of the Province in the County of Hampshire & return a Plat thereof to this Court within twelve Months for Confirmation & Satisfaction of the Grant made to Cap<sup>t</sup> Thomas Colton within mentioned. [*Passed June 6.*]

## CHAPTER 9.

ORDER IMPOWERING AMES<sup>1</sup> CHEEVER TO SELL LAND.

A PETITION of Ames Cheever of Manchester Clerk. Praying Liberty from this Court to make Sale of one fourth part of ab<sup>t</sup> thirty Acres of Land in Wenham w<sup>ch</sup> belongs to his Children in Right of their Mother who is deceased, & which they hold in Common with Cp<sup>t</sup> Samuel Kemball (who has purchased the other three parts) W<sup>ch</sup> Lands yeild but a very inconsiderable Rent, & will be much more profitable if it were

Legislative  
Records of the  
Council, xv.,  
397.

House Jour-  
nal, p. 13.

<sup>1</sup> The House Journal reads, "Amos."

vested in Money, The Petition<sup>r</sup> as Gaurdian to his Children being willing to give any Security for the produce of the said Land

Read &

*Ordered* that the prayer of the Petition be granted, & the Petition<sup>r</sup> is allowed & impowered to make Sale of the Minors (Ames<sup>1</sup> & Ruth Cheever's) Part of the premisses for the most the same will fetch, Thirty days publick Notice being given in Writing before the day of Sale One of the Notifications to be posted up in Wenham & one in each of the neighbouring Towns, And that the petition<sup>r</sup> give sufficient Caution to the judge of Probate for the County of Essex to Secure the Minors Part of the full proceeds of the Sale in a real Estate of the like Value. [*Passed June 7.*]

## CHAPTER 10.

### VOTE IMPOWERING SARAH BRYANT AS ADMINISTRATRIX TO SELL LAND TO PAY DEBTS.

Legislative  
Records of the  
Council, xv.,  
397.

Mass.  
Archives,  
xvii., 520.  
House Jour-  
nal, pp. 14, 16.

A PETITION of Sarah Bryant Relict widow & Administrat<sup>x</sup> of Thom<sup>s</sup> Bryant. Jun<sup>r</sup> of Sudbury Dec<sup>d</sup> Intestate & Thomas Frink Jun<sup>r</sup> of Rutland Clerk Gaurdian of Tho<sup>s</sup> Bryant a Minor Son of the first named Thom<sup>s</sup> Bryant by Abigail his first wife & Thom<sup>s</sup> Stone of Framingham Gaurdian of Samuel & Susannah Bryant the other Children of the s<sup>d</sup> Thom<sup>s</sup> Bryant, Shewing that part of the real Estate whereof the s<sup>d</sup> Thomas Bryant dyed seized was held by him in Right of his first wife & lay in Common & undivided with his own, which part now Acerues to the s<sup>d</sup> Thom<sup>s</sup> Bryant his eldest Son all which Estate will be more profitable to the Heirs if it were Converted into Money than as it now is, And therefore praying that this Court would impower the Petition<sup>rs</sup> to make Sale of the whole of the s<sup>d</sup> real Estate for the paym<sup>t</sup> of the Dec<sup>ts</sup> just Debts the Remainder of the produce to be divided among the interested as the Law directs. Read & [Accepted and]

*Toted* that y<sup>e</sup> Prayer of the Petition be granted & the Petition<sup>rs</sup> are Authorized & impowered to sell the Lands within mentioned for the most they will fetch, first giving Notice of y<sup>e</sup> Time & Place of Sale by Posting up Notifications in some publick places in the Town of Sudbury & the two next adjacent Towns at least thirty days before the day of Sale And the Proceeds of the Sale of that part of the Lands within mentioned which did descend from Abigail Bryant dec<sup>d</sup> to her Son Thom<sup>s</sup> Bryan[t] a Minor be delivered to his Gaurdian to be improved for the use & Benefit of the s<sup>d</sup> Minor, & that the proceeds of the Sale of those Lands of which Tho<sup>s</sup> Bryant dec<sup>d</sup> died seized in Fee so much as is necessary shall be applied by his Administrat<sup>x</sup> to the Discharge of his Just Debts & funeral just Expences, & the Surplusage or remaining part of the money to be distributed, Viz. One third part to the widow of the s<sup>d</sup> Thom<sup>s</sup> Bryant for her Improvem<sup>t</sup> during her natural Life, She first giving Bond with sufficient Sureties to the Judge of Probates for the County of Middlesex, that the same shall at her decease be returned to the Heirs of the s<sup>d</sup> Tho<sup>s</sup> Bryant deceased, to be distributed to them in Proportion to their Interests, the other two thirds to & among the Children of the s<sup>d</sup> Thom<sup>s</sup> Bryant dec<sup>d</sup> in proportion according to the Laws of this province, to be put into the Hands of the Gaurdians of the s<sup>d</sup> Children respectively to be by them used & improved at Interest for the use & Benefit of the s<sup>d</sup> Children, And in Case it shall happen that any of the Children of the s<sup>d</sup> Thom<sup>s</sup> Bryant Dec<sup>d</sup> shall dye

<sup>1</sup> The House Journal reads, "Amos."



before he or she come of Age that then his or her part of the produce of the above mentioned Land shall be distributed to & among those Persons to whom those Lands should have come in Case they had not been sold. [*Passed June 8.*]

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## CHAPTER 11.

### ORDER ON THE PETITION OF DIVERS TOWNS IN SUFFOLK & MIDDLESEX FOR A NEW COUNTY.

A PETITION of the Agents for the Towns of Wrentham Needham Medway Bellingham & Walpole all within the County of Suffolk & of the Agents of the Towns of Sherburn Hopkinton Framingham & Holliston in Middlesex Setting forth the Difficulties they are under in Attending at the Courts of Justice in their respective Counties by reason of the Distance of the Places where the Courts are held, & other Inconveniences attending the Inhabitants of the s<sup>d</sup> Towns which would be remedied, if they & the adjacent Towns were set off from the Counties to which they now belong & therefore Praying that the s<sup>d</sup> Towns may be Erected into a Separate County & a Shire Town appointed to be in the most proper place

Read &

*Ordered* that this Petition be referr'd to the next Sitting of this Court & that the Petition<sup>rs</sup> in the mean Time serve the Towns within mentioned, which have not signified their Minds on the Prayer of the Petition with a Copy hereof that they shew Cause at the s<sup>d</sup> Sitting Why the prayer thereof should not be granted, And also that the Several Towns in the Counties of Suffolk & Middlesex who may think themselves affected by the prayer of this Petition may then have an Opportunity of giving in their Reasons for or against the Same. [*Passed June 8.*]

Legislative  
Records of the  
Council, xv.,  
338.

House Jour-  
nal, p. 16.

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## CHAPTER 12.

### ORDER ALLOWING THE ACC<sup>T</sup> OF Y<sup>E</sup> COUNTY TREAS<sup>R</sup> OF MIDDLESEX.

AN ACCOMPT presented by Daniel Russell Esq<sup>r</sup> Treasurer of the County of Middlesex for the Year. 1732. Having been laid before the Court of General Sessions of the Peace for s<sup>d</sup> County & by them Allowed

Read & Accepted &

*Ordered* that this Accompt be allowed. [*Passed June 12.*]

Legislative  
Records of the  
Council, xv.,  
400.

House Jour-  
nal, p. 19.

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## CHAPTER 13.

### ORDER ALLOWING THE ACC<sup>T</sup> OF Y<sup>E</sup> COUNTY TREAS<sup>R</sup> OF HAMPSHIRE.

AN ACCOMPT presented by M<sup>r</sup> Joseph Hawley Treasurer of the County of Hampshire for the Year. 1732. Having been laid before the Court of General Sessions of the Peace for the said County & by them Allowed

Read & Accepted &

*Ordered* that this Accompt be allowed. [*Passed June 12.*]

Legislative  
Records of the  
Council, xv.,  
400.

House Jour-  
nal, p. 19.

## CHAPTER 14.

ORDER ALLOWING 30, TO JOS: BRADLEY.

Legislative  
Records of the  
Council, xv.,  
401.

House Jour-  
nal, p. 19.

A PETITION of Joseph Bradley of Haverhill, Shewing that he being in the Woods upon his lawful Occasions, built a Small Tent for his Accommodation, wh<sup>ch</sup> by Accident catch'd fire in his Absence & was burnt down & in it a thirty Shilling Bill of this Credit of this Province praying he may be allowed the like Sum out of the publick Treasury, with the s<sup>d</sup> Bradleys Oath before one of his Majesty's Justices of the peace for evidencing the Truth of the premisses. Read &

*Ordered* that the prayer of the Petition be granted & the Petition<sup>r</sup> is allowed to receive thirty Shillings of the Bills of Credit of this Province accordingly out of the Treasury. [*Passed June 12.*]

## CHAPTER 15.

ORDER IMPOWERING THE COMMITTEE TO VIEW LANDS AND SETTLE BOUNDARIES IN DEDHAM SOUTH PRECINCT.

Legislative  
Records of the  
Council, xv.,  
401.

House Jour-  
nal, p. 20.  
*Ante*, p. 692,  
chap. 101.

ON THE PETITION of Nathanael Kingsbury, [*ante*, p. 692, chap. 101] Read together with the Vote of the South Precinct in Dedham of the fourth Instant, And the same being considered,

*Ordered* that the Prayer of the Petition be granted, & that the former Committee on this Affair do at the Petition<sup>rs</sup> Charge, repair to Dedham, & reveiw & Settle the divisional Line within refer'd to, & make report to this Court as soon as may be. [*Passed June 12.*]

## CHAPTER 16.

ORDER ANNEXING LAND TO THE TOWN OF WILMINGTON.

Legislative  
Records of the  
Council, xv.,  
402.

House Jour-  
nal, pp. 20, 21.  
Province  
Laws, ii., 556,  
chap. 2.  
*Ante*, p. 701,  
chap. 123.

ON THE PETITION of the Select Men of the Town of Billerica, [*ante*, p. 701, chap. 123] Read together with the Answer of the Town of Wilmington & the Petition of Abrah<sup>m</sup> Jaques, & the same being fully Considered.

The Question was put upon the Act pass'd in the fourth Year of his present Majesty's Reign entitled an Act for the Erecting the North Easterly Part of Woburn & the Westerly part of Reading into a Township by the Name of Wilmington, Whether it is intended by these words in the s<sup>d</sup> Act (including Abraham Jaques's Farm) That the whole of the s<sup>d</sup> Jaques's Farm should be taken into the Town of Wilmington & it pass'd in the Affirmative. [*Passed June 13.*]

## CHAPTER 17.

VOTE ABATING A TAX OF £20 TO THE TOWN OF HATFIELD.

Legislative  
Records of the  
Council, xv.,  
402.

A MEMORIAL of the Select Men of the Town of Hatfield in behalf of the s<sup>d</sup> Town, Shewing that whereas the s<sup>d</sup> Town was fined by the House the Sum of Twenty Pounds for not sending a Representative

to the Court in the Year. 1732. upon Strict Examination they find the Number of y<sup>e</sup> Inhabitants qualified to Vote for a Representative falls under the Number of Eighty, the Number the Law States for such Towns as are obliged to Send a Representative & therefore praying that the Said Fine may be taken off.

Read &

*Voted* the Sum of Twenty pounds added to the Town of Hatfeild's Province Tax the last Year on Accompt of their not sending a Representative be abated out of their Proportion of the Province Tax in the present Year. [*Passed June 13.*]

House Jour.  
nal, pp. 13, 21.  
Province  
Laws, li., 645,  
chap. 5, 682.

## CHAPTER 18.

### ORDER OF NOTICE ON THE PETITION OF THE INHAB<sup>TS</sup> OF THE WESTERN PRECINCT OF ROXBURY.

A PETITION of the Inhabitants of the Western part of the Town of Roxbury, Shewing that for above Twenty Years past they supported a Gospel Ministry among them thô with great Difficulty, they being but few in Number & their Estates small, That since the Death of their late Pastor, they have applied to the Town of Roxbury proposing to them that either the two Ministers of the Town should be Supported by a general Tax or that a new Meeting House may be Erected for the whole Town in such Place as will accommodate the Petition<sup>rs</sup>; Both which Proposals were rejected at the Town Meeting and Therefore praying that this Court would releive them by obliging the s<sup>d</sup> Town to a Compliance with one or other of the said Proposals

Read &

*Ordered* that the Petition<sup>rs</sup> serve the Town of Roxbury with a Copy of this Petition, that so they may give in their Answer thereto on the first Friday of the next sitting of this Court. [*Passed June 13.*]

Legislative  
Records of the  
Council, xv.,  
402.  
House Jour.  
nal, p. 24.

## CHAPTER 19.

### ORDER IMPOWERING TIMOTHY CHILD TO LAY OUT AND SURVEY 300 ACRES OF LAND.

A PETITION of Tim<sup>o</sup> Child of Deerfeild setting forth his great Services Losses & Sufferings in several Wars against the Indian Enemy, & Praying for some Compensation from this Court by a Grant of Land or otherwise as the Court shall judge Most fit

Read &

*Ordered* that the Petition<sup>r</sup> be allowed & empowered by a Survey<sup>r</sup> & Chainmen on Oath to Survey & lay out, three hundred Acres of the unappropriated Lands of this Province lying within the County of Hampshire, & that he return a Plat thereof to this Court within twelve Months for Confirmation. [*Passed June 14.*]

Legislative  
Records of the  
Council, xv.,  
403.

House Jour.  
nal, p. 22.

## CHAPTER 20.

## ORDER IMPOWERING THOS DEBUKE TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council, xv.,  
405.

House Jour-  
nal, p. 27.  
*Ante*, p. 702,  
chap. 126.

ON THE PETITION of Thom<sup>s</sup> Debuke [*ante*, p. 702, chap. 126]

Read & It appearing that Joseph Colton has been duly served with a Copy of this Petition,

*Ordered* that the prayer of the Petition be granted, & that the Petition<sup>r</sup> be & hereby is Enabled to bring forward his Writ of Reveiw of the Cause within Mentioned at the next Inferiour Court of Common Pleas for the County of Hampshire, & to Serve the s<sup>d</sup> Writ on the s<sup>d</sup> Joseph Colton, as Attorney to the said John Anderson, Which shall be allowed as a good Service, & the Justices of the s<sup>d</sup> Court are Impowered & Directed to hear & Determine the s<sup>d</sup> Cause accordingly, And Execution on the former Judgm<sup>t</sup> is hereby Staid in the mean Time. [*Passed June 15.*]

## CHAPTER 21.

## ORDER IMPOWERING SAMUEL SYDEBOTHOM TO RE-ENTER AN ACTION.

Legislative  
Records of the  
Council, xv.,  
403, 405.

House Jour-  
nal, pp. 21, 28.  
*Ante*, p. 685,  
chap. 85.

A PETITION of Samuel Sydebothom & Thomas Wright of London Merch<sup>ts</sup> Shewing that upon their pctition to this Court prefer'd in December last they were impowered to reenter their Action against John Osborne Esq<sup>r</sup> & others Agents for John Cook & Company of London upon a Note of Hand of the said Cook to the Petition<sup>rs</sup> of One Hundred Pounds Sterling & to Amend a Clerical Mistake in their Declaration, but the Justices of the Inferiour Court of Common pleas for the County of Suffolk (where the Action was brought) refusd to Comply with the Order of this Court, Praying that the s<sup>d</sup> Justices may be peremptorily Ordered to pay Obedience to the same

Read together with the Answer of John Osborne Esq<sup>r</sup> Agent of John Cook & Company of London Merchants And

*Ordered* that the Petition<sup>rs</sup> be Enabled to re-enter their Action on the Note of John Cook for One Hundred Pounds Sterling, bearing date the twenty eighth day of Septemb<sup>r</sup> 1730. at the Inferiour Court of Common Pleas to be held at Boston on the first Tuesday of July next & to Amend the Clerical Mistake made in the Declaration, (viz. the setting the date of the said Note at the 28. of October instead of the 28. of Septemb<sup>r</sup> aforesaid.) which Amendment shall be made in open Court, & the Justices of the s<sup>d</sup> Court are hereby impowered & directed to proceed without any further Delay to hear & Determine the s<sup>d</sup> Action accordingly, Provided the petition<sup>r</sup> serve the Adverse Party with a Copy of this Order at least fourteen days before the sitting of the s<sup>d</sup> Court. [*Passed June 15.*]

## CHAPTER 22.

## ORDER ALLOWING £20 TO JAMES SMITH.

Legislative  
Records of the  
Council, xv.,  
405.

A PETITION of James Smith lately a Soldier at Fort George at Brunswick Shewing that while he was in the Service there he was very much hurt by a Strain & hath laid out all he had in the World on Doctors

to Obtain a Cure but without Success, his Hand being in a Perishing Condition & therefore praying for the Compassion of this Court that they would Order means may be used for his Cure at the publick Charge.

Read & [Accepted and]

*Ordered* that M<sup>r</sup> John Wheelwright be desired to put the petition under the Care of some skilful Surgeon in Order for obtaining a Cure at the Charge of the Province & that the Sum of Twenty Pounds be allowed & paid out of the publick Treasury for his & his Families present Relieif. [*Passed June 15.*]

House Jour-  
nal, p. 25.

## CHAPTER 23.

### ORDER IMPOWERING JOHN VESEY TO ENTER A WRIT OF REVIEW.

A PETITION of John Vesey of Brantrey, Shewing that one John Green of the same place commenced his Action against the Petition<sup>r</sup> at the Inferiour Court of Common Pleas, for the County of Suffolk in October last for £33. 5. 7 Ballance of an Accompt, that after laying the s<sup>d</sup> Action the s<sup>d</sup> Green came to Visit the Petition<sup>r</sup> who was then dangerously sick, and promised to drop his Action (as is proved by Testimony on Oath) but broke his Promise & Entered his Action, which went against the Petition<sup>r</sup> by Default, Praying Liberty to bring his Writ of Reveiw of the s<sup>d</sup> Action at the next Inferiour Court.

Read & it appearing that the adverse Party had been duly served with a Copy of this Petition, & not having made any Answer thereto

*Ordered* that the prayer of the Petition be granted & that the Petition<sup>r</sup> be & hereby is Enabled to reweiw<sup>1</sup> the Action within Mentioned at the next Inferiour Court of Common Pleas for the County of Suffolk & to pursue the s<sup>d</sup> Action as thô he had not made Default, And the Justices of the s<sup>d</sup> Court are hereby impowered & Directed to Hear & Determine the same accordingly & Execution on the former Judgment is hereby stayed in the Mean Time. [*Passed June 16.*]

Legislative  
Records of the  
Council, xv.,  
404, 406.  
House Jour-  
nal, pp. 26, 30.

## CHAPTER 24.

### ORDER ANNEXING ESTATES TO THE TOWN OF DEDHAM.

THE PETITION of Joseph Ellis & others of the Southerly Precinct in Dedham [*ante*, p. 701, chap. 124] was read together with the Answer of the s<sup>d</sup> Southerly Precinct, And the following Vote pass'd thereon Viz.

Read &

*Ordered* that the prayer of the Petition be so far granted as that unless the Inhabitants of the precinct within mentioned do within the Space of Twelve months from the date hereof Erect & finish a Meeting House at the place Stated by a Comm<sup>tee</sup> of this Court the twenty fourth of June. 1731. the Petition<sup>rs</sup> with their Estates be & hereby are set off from s<sup>d</sup> Precinct & again laid to the first Precinct in the Town of Dedham whereto they originally belonged. [*Passed June 16.*]

Legislative  
Records of the  
Council, xv.,  
407.

House Jour-  
nal, pp. 17, 20,  
29. *Ante*,  
p. 701, chap.  
124.

<sup>1</sup> *Sic.*

## CHAPTER 25.

## ORDER ABT JOHN ARMSTRONG &amp; OTHERS SETTLING LANDS ON SACO RIVER.

Legislative  
Records of the  
Council, xv.,  
407.

House Jour-  
nal, pp. 22, 23.  
Province  
Laws, ix., 627,  
chap. 99.

IN THE HOUSE OF REPRESENT<sup>ves</sup> Whereas sundry Persons have of late presumed to Cause a Tract of Land of the Contents of six miles square to be surveyed, & laid out lying on the East Side of Saco River over against the Truck House lately built by this Governm<sup>t</sup> pretending a Right so to do in Consequence of a Grant made by this Court to Archibald Boyd, John Armstrong & others Anno. 1718. on certain Conditions in s<sup>d</sup> Grant mentioned: To prevent those persons mispending their money & Time by Endeavouring a Settlem<sup>t</sup> on y<sup>e</sup> said Lands, or disposing of any part thereof to others for that purpose & that the Lands belonging to this province may not be encroached upon or Settled but by the Leave & Order of this Government.

It is hereby declared that the Steps taken by those persons in surveying these Lands & attempting the Settling & Disposing thereof cannot be countenanced by this Court & the Persons who have in so disorderly a way begun to take up Lands there are strictly forbid any further progress in this Affair & that they may have early Notice of this Order, Cp<sup>t</sup> Tho<sup>s</sup> Smith is hereby directed & empowered to notify them that they proceed no further in their intended Settlements.

In Council; Read & Concur'd &

*Ordered* that the Secretary write to John Wheelwright & Joseph Hammond Esq<sup>ts</sup> & in the Name of this Court Direct them not to proceed any further in laying out the Lands within mentioned: For that their Power is determined by the death of the major part of the Committee.

In the House of Represent<sup>ves</sup> Read & Concur'd. [*Passed June 16.*]

## CHAPTER 26.

ORDER FOR SUPPLYING £300 TO THE COMM<sup>tee</sup> ON Y<sup>e</sup> AFFAIR OF THE GORE.

Legislative  
Records of the  
Council, xv.,  
408.

House Jour-  
nal, p. 32.  
*Ante*, p. 705,  
chap. 134.

*Ordered* that M<sup>r</sup> Treasurer Allen be & hereby is directed to Deliver to the Comm<sup>tee</sup> of this Court appointed to attend the Commiss<sup>rs</sup> on the Affair of the Gore at Attleborô the Sum of Three Hundred Pounds to enable them to defray the Charge of Settling the Controversy there which Sum is part of the Residue of the Sum of three Thousand Pounds put into His Hands to purchase Seven Hundred pounds Sterling with to be sent to M<sup>r</sup> Agent Wilks. [*Passed June 19.*]

## CHAPTER 27.

## ORDER OF NOTICE ON HATFEILD PETITION PRAYING FOR ANNEXATION OF LAND.

Legislative  
Records of the  
Council, xv.,  
408.

A PETITION of Israel Williams Representative for the Town of Hatfeild in behalf of the said Town shewing that the Town of Hadley claims a Tract Of Land lying in the Bowels of Hatfeild & have taxed

the same, W<sup>ch</sup> Land is called Little & Great Ponset, Praying that this Court would declare the s<sup>d</sup> Land to be in y<sup>e</sup> Town of Hatfeild, & that y<sup>e</sup> Great River may be the Bounds of said Town House Journal, p. 32. Read &

*Ordered* that the Petition<sup>r</sup> serve the Town of Hadley with a Copy of this Petition, y<sup>t</sup> so they may shew Cause, if any they have, on the second Thursday of the next Sitting of this Court why the prayer thereof should not be granted. [*Passed June 19.*]

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## CHAPTER 28.

### ORDER GRANTING AND CONFIRMING LAND TO JOSHUA LAMB ESQ<sup>R</sup> & OTHERS.

A PETITION of Joshua Lamb Esq<sup>r</sup> & his Associates Shewing that in laying out a Township lately granted to them by this Court (the Plat whereof is Accepted & Confirmed by this Court) they have ignorantly included Seven Hundred Acres of Land fit for Settlem<sup>ts</sup> which has formerly been granted by this Court unto others By which means their Grant is very much lessened, & they find three larg Ponds within the s<sup>d</sup> Plat, which takes off some Hundreds of Acres more, therefore praying an Additional Grant of a strip of Land lying between Brantrey Grant, the Town of Brookfeild & Ware River so far as the Bend of the River goes Legislative Records of the Council, xv., 409. Mass. Archives, cxv., 806, 807, 809, Maps and Plans, Mis., xxxvii., 10, House Journal, p. 30. Aide, p. 677, chap. 67; p. 678, chap. 68. Read &

*Ordered* that the Prayer of the Petition be granted & y<sup>e</sup> Strip or Parcel of Land within mentioned is Confirmed to the Petition<sup>rs</sup> & their Associates & their Assigns respectively for ever by the following Bounds viz Beginning on the East Bank of Ware River at the North west Corner of a Tract of Land laid out to James Hovey & Confirmed this present Session, & from thence extending Southerly as that Line runs to Brookfeild Bounds, & from thence Easterly as Brookfeild Bounds run to the South westerly Corner of Brantree Six thousand Acres, & from thence extending Northwesterly, bounding Northerly on said Six thousand Acres, till the Line comes to Ware River, & then bounding on Ware River, to the first Bounds in Lieu of the four Hundred Acres taken by Brantrey Grant & the three Hundred Acres taken off by Land of John Read Esq<sup>r</sup> & the Ponds &c. as aforesaid Provided it Interferes with no former Grant. [*Passed June 19.*]

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## CHAPTER 29.

### ORDER IMPOWERING BENJ<sup>A</sup> SMITH TO SURVEY AND LAY OUT FIFTY ACRES OF LAND.

A PETITION of Benjamin Smith Setting forth his great Services for the province in divers Marches against the Indian Enemy & Shewing that he has presumed to take up ab<sup>t</sup> Sixteen Acres of Province Land, on Merrimack River, partly on an Island about a Mile above Sohegan River, & partly on the Main adjacent thereto, & hath built an House thereon, & laid out ab<sup>t</sup> One Hundred & fifty pounds To which Land he acknowledges he has no right & Praying a Grant of the s<sup>d</sup> Land & thirty four Acres more upon such Terms as this Court shall judge proper

In the House of Represent<sup>ves</sup> Read & in Answer to this Petition,

*Ordered* that the Petition<sup>r</sup> be allowed by a Survey<sup>r</sup> & Chainmen on

Legislative Records of the Council, xv., 410.

House Journal, pp. 28, 32, 33.

Oath to Survey & lay out fifty Acres of the Province Lands, including the Island within mentioned & the other Land improved by the Petition<sup>r</sup> & that he return a Plat thereof to this Court within twelve Months for Confirmation In Council; Read & Concur'd Provided the Petition<sup>r</sup> pay into the Province Treasury The Sum of Ten pounds immediately upon y<sup>e</sup> Confirmation of the said Land by this Court In the House of Represent<sup>ves</sup> Read & Concur'd. [*Passed June 20.*]

## CHAPTER 30.

VOTE ADDING THO<sup>s</sup> FARMER & OTHERS TO THE LIST OF CAPT<sup>s</sup> LOVEWELL AND WHITES SOLDIERS.

Legislative  
Records of the  
Council, xv.,  
410.

House Journal, p. 141  
(April, 1733);  
pp. 17, 33, 34.  
*Ante*, p. 245,  
chap. 63; p. 434,  
chap. 67.

A PETITION of Tho<sup>s</sup> Farmer, Henry Colburn, Jonathan Farren, Samuel Shaddock Samuel Trull Jacob Corey, Joshua Webster, Abiel Forster, & Samuel Tarbal, Shewing that they served as Volunteers in the late Indian War under Cp<sup>t</sup> John Lovewell & Cp<sup>t</sup> John White, & were omitted in the Grant made by this Court of a Township to the Officers & Soldiers in those Companies & praying that they may be admitted into that Township, & that the Grant may be Enlarged accordingly

Read & in Answer to this Petition,

*Voted* that one of the Petition<sup>rs</sup> be admitted in the room of Edward Hartwell who has been Enter'd in the List of Cp<sup>t</sup> Lovewell's Company, but was not in y<sup>e</sup> Service & therefore not entitled to any part of the reward & that four more be admitted in the room of Joseph Wright Joseph Wheelock, Robert Phelps, & Jonathan Houghton jun<sup>r</sup> who have been admitted to a Share in the Township of Suncook, & therefore ought not to have a right in said Grant, & whereas there are four more of the petitio<sup>ns</sup> not yet provided for,

*Ordered* that there be laid out twelve Hundred Acres of Land in a regular Form to be added to y<sup>e</sup> Northwesterly part of s<sup>d</sup> Township, & that these remaining four be added to y<sup>e</sup> Original Number, making with them in the whole Seventy two, All to be equal in In<sup>l</sup> their right or proportion of Lands in said Township the Names of the Volunteers now to be Admitted are Thom<sup>s</sup> Farmer & the Eight other Petition<sup>s</sup> on y<sup>e</sup> other Side. [*Passed June 20.*]

## CHAPTER 31.

VOTE GRANTING A BOUNTY TO MANUFACTURERS OF CANVAS.

Legislative  
Records of the  
Council, xv.,  
411.

House Journal, p. 33.  
*Ante*, p. 52,  
chap. 133.

A PETITION of Obadiah Dickenson of Hatfeild Shewing that he has at great Expence Set up the Manufacture of Canvas for Ships Sails & has carried the same on to great Perfection, In which he shall be a Loser unless he has some further Encouragement from the Govern<sup>t</sup> & Therefore Praying that the Bounty on Canvas may be enlarged. Read & In Answer to this Petition

*Voted* that for the Space of Seven Years next coming, there be allowed & paid out of the Publick Treasury a Bounty of thirty Shillings to the Manufacturer of each peice of Duck or Canvas that shall be thirty six Yards long, thirty Inches wide of a good even thread, well drove & of a good bright colour, being made within the province &



wrought wholly of good strong water rotted Hemp or Flax of the growth of New England Each of which peices of Duck or Canvas shall weigh at least forty five pounds, And the Manufacturer shall be Entitled to such Bounty for all such peices as shall pass the Survey of such persons as shall be appointed by this Court to Survey & Seal or sufficiently mark the Same (which Surveyors shall be under Oath for the true & faithful Performance of their Office) upon Certificates to be produced to the Treasurer of this Province for the Time being, who is hereby

*Ordered & Directed* to pay the s<sup>d</sup> Bounty accordingly. [*Passed June 20.*]

## CHAPTER 32.

### ORDER ALLOWING THE ACC<sup>T</sup> OF Y<sup>E</sup> COUNTY TREASURER OF BRISTOL.

AN ACCOMPT presented by Samuel Howland Treasurer of the County of Bristol for the Year. 1732. Having been laid before the Court of General Sessions of the Peace for said County & by them Allowed Read & Accepted &

*Ordered* that this Accompt be allowed. [*Passed June 20.*]

Legislative  
Records of the  
Council, xv.,  
411.

House Jour-  
nal, p. 33.

## CHAPTER 33.

### ORDER OF NOTICE ON ELISHA JOHNSON'S PETITION PRAYING TO BE DISCHARGED FROM SUPPORTING BRIDGES.

A PETITION of Elisha Johnson of Sutton, Praying that he may be discharged from Supporting the Bridges over Blackstone's River, or that Two hundred Acres of Land which he purchased of the Indians of Hassanimisco on Condition of his maintaining those Bridges may be released from paying publick Charges Read &

*Ordered* that the Petitioner serve the Propriet<sup>rs</sup> & Inhabitants of Hassanimisco with a Copy of this Petition that they shew cause on the first Friday of the next Sitting of this Court why the prayer thereof should not be granted, And the Petition is refer'd accordingly. [*Passed June 20.*]

Legislative  
Records of the  
Council, xv.,  
411.

House Jour-  
nal, p. 33.  
Province  
Laws, ix., 617,  
chap. 77 and  
note; x., 304,  
chap. 40.

## CHAPTER 34.

### VOTE CONFIRMING A PLAT OF A TOWNSHIP GRANTED TO COL<sup>O</sup> JOSIAH WILLARD &c.

A PLAT of a Tract of Land granted by this Court at their last Session to Col<sup>O</sup> Josiah Willard & others for a Township Surveyed by Joseph Blanchard Survey<sup>r</sup> & two Chain men on Oath lying on the East Side of Connecticut River above Northfeild being bounded as follows viz. Beginning at the River at a Maple Tree, the Southwesterly Corner of Govern<sup>r</sup> Belcher's Farm, said to be the Northern bounds of Northfeild, from thence running up Connecticut River four Miles & an half & Twenty Perches taking in two small Islands at the upper End, from thence East twelve Degrees to the South eight Miles & an half & twenty Perches, to an heap of Stones, the South Six miles, one quarter & fifty two rods to an heap of Stones, the West two Miles & an half to a White

Legislative  
Records of the  
Council, xv.,  
412. Maps and  
Plans, Mis.,  
viii., 5.

Maps and  
Plans, Mis.,  
viii., 5 *bis*.  
House Jour-  
nal, p. 35.  
*Ante*, p. 697,  
chap. 116.

Pine Tree marked, from thence North Eighteen & an half Degrees West, three miles one quarter & Sixty Perches to a black Oak Tree mark'd, Then North one Mile & an half & forty Perches to a Heap of Stones, then West three Miles & three Quarters to the Maple Tree first mentioned

Read and Accepted and

*Voted* That the Lands within delineated and described be and are hereby confirmed unto the said Josiah Willard Esq<sup>r</sup> and the other petitioners their heirs and assigns respectively for Ever provided it exceeds not the quantity of six Miles square and does not interfere with any former Grant and that the petitioners comply with the Conditions of the Grant. [*Passed June 21.*]

## CHAPTER 35.

ORDER OF NOTICE ON PETITION OF THE NEW PRECINCT IN WOBURN PRAYING TO BE RELEASED FROM A JUDGEMENT.

Legislative  
Records of the  
Council, xv.,  
414.

House Jour-  
nal, pp. 37, 38.  
*Ante*, p. 488,  
chap. 48.

A PETITION of Edward Johnson & James Procter a Comm<sup>tee</sup> for the new precinct in Woburn shewing that at the Superiour Court for the County of Middlesex held in June last, the Rev<sup>d</sup> M<sup>r</sup> Fox recovered Judgm<sup>t</sup> against the Town of Woburn for the Sum of One Hundred & Fifty pounds for His Support in the Ministry for the Years. 1731, & 1732. And for as much as the s<sup>d</sup> New Precinct was set off in the Year 1730. Praying the Order of this Court to Exempt them from paying any part of the Money recovered as aforesaid. Read &

*Ordered* that the Petition<sup>rs</sup> serve the first Parish in Woburn with a Copy of this Petition that they shew Cause (if any they have) on the first Thursday of the next sitting of this Court<sup>1</sup> why the Prayer thereof should not be granted. [*Passed June 22.*]

## CHAPTER 36.

ORDER OF NOTICE ON THE PETITION OF DIVERS INHABITANTS OF MARSHFEILD & SCITUATE PRAYING TO BE ERECTED INTO A PRECINCT.

Legislative  
Records of the  
Council, xv.,  
414.

House Jour-  
nal, pp. 36, 37.

A PETITION of divers Inhabitants of the Northerly Part of the Town of Marshfeild, & of that part of Scituate called the Two Miles Praying that they may be Erected into a separate Town or Preeinct Read &

*Ordered* that the petition<sup>rs</sup> serve the Town of Marshfeild & the South precinct in Scituate with Copies of this Petition that they shew cause on the second Tuesday of the next Sitting of the Court why the Prayer thereof should not be granted & the Petition is refer'd accordingly. [*Passed June 22.*]

## CHAPTER 37.

VOTE CONFIRMING A PLAT OF A TOWNSHIP GRANTED TO LOVEWELS & WHITES SOLDIERS.

Legislative  
Records of the  
Council, xv.,

A PLAT of a Township granted by this Court at their Session in April Last to John Bennet, Jeremiah Pearly & others, Survey'd by

<sup>1</sup> The words "on the first Thursday of the next sitting of this Court" are not in the House Journal.

Joseph Wilder Esq<sup>r</sup> Survey<sup>r</sup> & chain men on Oath, being bounded South-easterly on Rutland Township & on Every other Side by Province Land, Beginning at a Heap of Stones in Rutland Northwest Line, & running Six miles from the Northerly Corner thereof; from thence running North thirty four Degrees West by the Needle, One thousand Eight Hundred & twenty four Perch to a Beech Tree with Stones, from thence running West thirty five Degrees South two thousand one hundred & twenty Eight Rods to the West Angle, from thence South thirty Six Degrees East, One thousand Six Hundred & fifty Perch to a heap of Stones the Westerly Corner of said Rutland, & from thence on Rutland Northwest Line to where it began

444. Maps and Plans, Mis., viii., 13.

Maps and Plans, Mis., viii., 12, 13; xxxvii., 17. House Journal, p. 141 (April, 1733); p. 38. *Ante*, p. 704, chap. 132; p. 724, chap. 30.

Read and Accepted and

*Voted* that the Lands delineated and described in the within plat be and are hereby confirmed Unto the said Jeremiah perley & others John Bennet & others and Thomas Farmer and others the petitioners or Grantees (who served as Voluntiers in the publick service under the late Cap<sup>t</sup> Lovewell being seventy two in the whole) and to their heirs & assigns respectively they complying with the Conditions of the Grant of April last, provided the platt contains no more than the Contents of Six Miles square, and does not interfere with any former Grant. [*Passed June 22.*]

## CHAPTER 38.

### ORDER OF NOTICE ON PETITION OF JOHN TURNER ESQ<sup>R</sup> TO FILE A COMPLAINT.

A PETITION of John Turner Esq<sup>r</sup> Shewing that at the Inf<sup>r</sup> Court of Comon pleas held at Salem in June. 1728, he recovered Judgm<sup>t</sup> against George Trask of Beverly for £98. 2 & Costs from w<sup>ch</sup> the s<sup>d</sup> Tuck<sup>1</sup> Appealed to the Super<sup>r</sup> Court but failed of Prosecuting his Appeal, And the Petit<sup>r</sup> thro<sup>t</sup> forgetfulness omitted filing his Complaint to the s<sup>d</sup> Court, that the former Judgm<sup>t</sup> might be affirmed, And therefore Praying that he may be empowered to file his Complaint at the next Superiour Court of Judicature for the County of Essex. Read &

Legislative Records of the Council, xv., 415.

House Journal, p. 38.

*Ordered* that the Petition<sup>r</sup> serve the adverse party with a Copy of this Petition that he shew cause (if any he have) on the first Tuesday of the next sitting of the Court, why the Prayer thereof should not be granted & the petition is refer'd accordingly. [*Passed June 22.*]

## CHAPTER 39.

### ORDER CONFIRMING A PLAT OF TWO HUNDRED ACRES TO COLL: HUTCHINSON & M<sup>RS</sup> WOLCOT.

A PLAT of two Hundred Acres of Land laid out by Tim<sup>o</sup> Dwight Survey<sup>r</sup> & chain Men for Edward Hutchinson Esq<sup>r</sup> & M<sup>rs</sup> Mary Wolcott widow of Josiah Wolcot Esq<sup>r</sup> dec<sup>d</sup> pursuant to an Order of the General Court pass'd at their Session held in August. 1728.<sup>2</sup> the s<sup>d</sup> Land adjoining to Chicaby River on y<sup>e</sup> South Side & lying on both sides of Chicaby Brook

Legislative Records of the Council, xv., 415. Maps and Plans, Mis., viii., 6.

Maps and Plans, Mis., viii., 6. House Journal, p. 59.

<sup>1</sup> "Trask," in the State Library copy, Legislative Records of the Council, xv., 397.

<sup>2</sup> A mistake for 1729. See House Journal, p. 38, and *ante*, p. 423, chap. 41.

(August, 1729);  
p. 38. *Ante*,  
p. 423, chap. 41.

*Ordered* That this plat be Accepted and the Lands therein delineated and described are Confirmed Unto the petitioners their heirs & assigns provided it exceeds not the quantity of two hundred Acres and does not interfere with any former Grant. [*Passed June 22.*]

## CHAPTER 40.

Legislative  
Records of the  
Council, xv.,  
416.

VOTE ACCEPTING THE REPORT ON THE PETITION OF M<sup>R</sup> JOS: WRIGHT & OTHERS.

House Jour-  
nal, p. 37.  
*Ante*, p. 680,  
chap. 74.

EBEN<sup>R</sup> BURRILL ESQ<sup>R</sup> from the Comm<sup>tee</sup> of both Houses on the Petition of Joseph Wright & others [*ante*, p. 680, chap. 74] gave in their report,<sup>1</sup> Which was read & accepted in Council & Concur'd by the Represent<sup>ves</sup>. [*Passed June 22.*]

## CHAPTER 41.

ORDER APPOINTING A COMM<sup>TEE</sup> FOR HOUSATANNUCK SETTLEMENTS.

Legislative  
Records of the  
Council, xv.,  
416.

House Jour-  
nal, p. 38.  
Province  
Laws, x., 189,  
chap. 82.  
*Ante*, p. 640,  
chap. 140.

*Ordered* that John Ashley & Eben<sup>r</sup> Pomroy Esq<sup>rs</sup> & M<sup>r</sup> Tho<sup>s</sup> Ingersol be a Comm<sup>tee</sup> fully Authoriz'd & impowered to bring forward the Settlement of the Upper Township in Housatannuck & allot the same out, pursuant to the Order & Direction of this Court at their Session in May, 1722. the former Comm<sup>tee</sup> not having perfected their Work before their Power determined. The Comm<sup>tees</sup> Power to Extend also to the lower Township so as to Confirm the Settlers in their property, And that the Committee report their Doings, as to the lower Township within twelve Months & the Upper Township within two Years from this Date. [*Passed June 22.*]

## CHAPTER 42.

VOTE CONFIRMING A PLAT OF LAND TO THE TOWN OF NORTHFIELD.

Legislative  
Records of the  
Council, xv.,  
416.

Maps and  
Plans, Mis.,  
vii., 34 *bis*.  
House Jour-  
nal, pp. 32, 36.

A PLAT of the Township of Northfeild in the County of Hampshire taken by Tim<sup>o</sup> Dwight Esq<sup>r</sup> Survey<sup>r</sup> Read &

*Voted* that the within plat protracted by Tim<sup>o</sup> Dwight Survey<sup>r</sup> be Accepted, & the Lands therein contained, confirmed to the Town of Northfeild saving, that on the East Side of Connecticut River they shall begin their Measure in laying out their first Grant at the lower End of the three little Meadows & from thence measure Eight Miles up Connecticut River, agreeable to the Representation of M<sup>r</sup> William Clarke the Survey<sup>r</sup> of the first Comm<sup>tee</sup> who laid out that Township. And that so much be struck off from the Northern Part of the Plat on the East Side of Connecticut River as the Land shall measure from the Mouth of the Brook called Natanis or Bennet's Brook to the lower End of the three little Meadows.<sup>2</sup> [*Passed June 22.*]

<sup>1</sup> The report has not been found.

<sup>2</sup> This resolve is found in Maps and Plans but is somewhat mutilated at the edge.

## CHAPTER 43.

### ORDER EXEMPTING THE 2<sup>D</sup> PARISH IN WOBURN FROM MAINTAINING A MINISTER.

ON THE PETITION of the Second Parish in Woburn [*ante*, p. 726, chap. 35] Read together with the Answer of the first Parish in Woburn, And the parties being heard thereon; The Question was put Whether the Prayer of the Petition be granted? & it pass'd in the Negative And

*Ordered* that the Second Parish in Woburn be & hereby are Exempted from any Charge in the Maintenance of the Rev<sup>d</sup> M<sup>r</sup> John Fox from the End of the Year. 1732. [*Passed August 16.*]

Legislative  
Records of the  
Council, xv.,  
419.

House Jour-  
nal, p. 44.  
*Ante*, p. 726,  
chap. 35.

## CHAPTER 44.

### VOTE ON SUFFOLK JUSTICES PETITION RELATIVE TO RECOGNANCES FOR LICENCES.

A PETITION of the Justices of the General Sessions of the peace for the County of Suffolk, shewing that in the Act for inspecting & suppressing Disorders in licenced Houses, it is provided that Recognizance for Licences to sell strong Drink by Retail, may be taken before one or more Justices of the peace, and that the Justices in the last General Sessions of the peace, not considering that in the last Excise Act it is provided that Recognizances shall be taken by the said Court of General Sessions of the peace, adjourned the Court without Day before the Recognizances for Licences for this present Year were taken, by which Means the Excise for the said County for this Year may be lost, & no Inns or Taverns can be kept for the Accomodation of Strangers & Travellers, Praying that this Court would give such Orders as that the Recognizances may be taken for this present Year.

Read &

*Voted* that there be held & kept by Order of this Court & the Authority thereof at Boston in & for the County of Suffolk on Tuesday the twenty eighth day of August Currant a Court of General Sessions of the peace, the Business of which Court shall be to compleat & finish the Affairs of the Recognizances of all such persons as have obtained Licence to be either Taverners, Common Victualers or Retailers in the County of Suffolk for the Year currant, agreeable to the Act of this province, entitled, An Act for granting unto his Majesty an Excise upon Wines Liquors & other strong Drink sold by Retail made in the fifth & sixth Years of his present Majesty's Reign, And that the Clerk of the said Court be & hereby is directed forthwith to give Notice to all such persons as have obtained Licence as aforesaid, then & there to attend to recognize accordingly. [*Passed August 22.*]

Legislative  
Records of the  
Council, xv.,  
422.

House Jour-  
nal, p. 48.  
Province  
Laws, ii., 639,  
chap. 1.

## CHAPTER 45.

## ORDER OF NOTICE ON WILLIAM HIX'S PETITION PRAYING FOR A REVIEW OF AN ACTION AND A STAY OF EXECUTION.

Legislative  
Records of the  
Council, xv.,  
423.

House Jour-  
nal, p. 49.

A PETITION of William Hix of Dartmouth complaining of the unfair & fraudulent Dealings of Benjamin Soul Attorney to Joseph Soul of the same place, in putting in Suit against him his Bond to the said Joseph Soul for £81. 13 at the last Inferior Court of Common pleas for the County of Bristol, where Judgment went against the pet<sup>r</sup> by default while he was at the Island of Nantucket, where he paid the Amount of his said Bond to peter Collin in discharge of the said Benjamin Souls Bond to the said Collin as by an Agreement between them, Praying that he may be admitted to review his said Action at the next Inferior Court in Bristol, & that Execution may be staid in ye mean time.

Read &

*Ordered* that the Petitioner serve the said Benjamin Sole or his Agent or Attorney with a Copy of this petition, that he shew Cause on the fourth of September next (if the Court be then sitting if not on the first Thursday of the next Sitting of this Court) why the prayer thereof should not be granted, & that the Execution within mentioned be staid in the mean time. [*Passed August 22.*]

## CHAPTER 46.

## ORDER APPOINTING TRUSTEES FOR THE TETTICUT INDIANS.

Legislative  
Records of the  
Council, xv.,  
425.

House Jour-  
nal, p. 52.  
*Ante*, p. 669,  
chap. 48.

A MEMORIAL of Adam Winthrop Esq<sup>r</sup> in behalf of the Commissioners for propagating the Gospel among the Indians, shewing that great Strip & Waste of Timber has been made by Trespassers on the Lands belonging to the Indians at Tetticut, & proposing that Benjamin White Esq<sup>r</sup> & M<sup>r</sup> Ezra Clap may by this Court be appointed Guardians or Trustees for the said Indians with Power to prosecute all Trespassers on their Lands.

Read &

*Ordered* that Benjamin White Esq<sup>r</sup> & M<sup>r</sup> Ezra Clap be & hereby are appointed Trustees for the Indians of Tetticut, & fully impowered to prosecute in the Law all Trespasses that may be committed on the Lands of the said Indians. [*Passed August 23.*]

## CHAPTER 47.

## ORDER CONFIRMING A PLAT OF 150 ACRES OF LAND TO WILLIAM HACK.

Legislative  
Records of the  
Council, xv.,  
425. Maps and  
Plans, Mis.,  
vii., 31.

Maps and  
Plans, Mis.,  
vii., 31.  
House Jour-  
nal, p. 52.  
*Ante*, p. 669,  
chap. 50.

A PLAT of One hundred & fifty Acres of Land granted by this Court in May 1732, to William Hack, surveyed by Timothy Dwight Esq<sup>r</sup> & two Chain men on Oath, standing on the East Bank of Connecticut River between Northfeild and Sunderland, beginning at a large Pine Tree there, & running East one hundred & thirty two perch to a pine mark'd; Thence South 14. 00 East three hundred & six perch to a Crotchett black Oak mark'd; thence West to the River; & then the River is to be the Bounds to the Tree where it first began.

Read and Accepted and

*Ordered* That the Lands within delineated and described be and hereby are confirmed unto the said William Hack his heirs and Assigns for Ever, provided it exceeds not the quantity of One hundred and fifty Acres, and does not interfere with any former Grant. [*Passed August 23.*]

## CHAPTER 48.

ORDER GRANTING A LAW BOOK TO THE TOWN OF MANCHESTER.

A PETITION of the Select Men of the Town of Manchester, praying of this Court that a province Law Book may be allowed the said Town at the publick Charge as other Towns have been allowed.

Legislative  
Records of the  
Council, xv.,  
426.

Read &

*Ordered* that the Prayer of the Petition be granted, And Mr Benjamin Elliot is hereby desired to deliver to the Order of the Town of Manchester a province Law Book at the publick Charge accordingly. [*Passed August 24.*]

House Jour-  
nal, p. 54.

## CHAPTER 49.

ORDER IMPOWERING THOS PEGAN, INDIAN, TO SELL LAND TO PAY DEBTS.

A PETITION of Thomas pegan of Natick Indian, shewing that by his long Service in the late War & Accidents that have befallen him, he has been so weaken'd & disabled in his advanced Age that he has not been able to support himself by his Labour, & has contracted a considerable Debt by his Sickness, praying that he may be allowed to sell so much of his common Rights in Natick as will discharge his Debts, & purchase for him some Cattle and Tools of Husbandry.

Legislative  
Records of the  
Council, xv.,  
426.

House Jour-  
nal, p. 52.  
*Ante*, p. 360,  
chap. 176.

In Council, Read &

*Ordered* that the Prayer of the petition be so far granted, as that the Pet<sup>r</sup> be & hereby is empowered to make Sale to the highest Bidders of so much of his common Rights in Natick as will produce a Sum not exceeding Sixty Pounds, & Francis Fulham Esq<sup>r</sup> is desired & appointed to see that Justice be done to the petitioner in the Sale of the Land, & that the Produce thereof be applied to the Purposes mentioned in the petition.

In the House of Represent<sup>ves</sup> Read & Concur'd & John Bowles Esq<sup>r</sup> is added to Francis Fulham Esq<sup>r</sup> in the Affair.

In Council, Read & Concur'd. [*Passed August 24.*]

## CHAPTER 50.

ORDER IMPOWERING JN<sup>o</sup> TURNER ESQ<sup>r</sup> TO FILE A COMPLAINT.

ON THE PETITION of John Turner Esq<sup>r</sup> [*ante*, p. 727, chap. 38]

Read, & it appearing that the adverse party has been served with a Copy of this petition, & no Answer given in,

Legislative  
Records of the  
Council, xv.,  
427.

*Ordered* that the prayer of the Petition be granted, & that the Pet<sup>r</sup> be & hereby is enabled to file his Complaint at the next Superior Court of Judicature to be holden at Salem within & for the County of Essex

House Jour-  
nal, pp. 51, 52.  
*Ante*, p. 727,  
chap. 38.

on the last Tuesday of October next; And the Justices of the said Court are hereby impowered & directed to hear & try the same & make up Judgment accordingly. [*Passed August 24.*]

## CHAPTER 51.

### ORDER IMPOWERING KATHARINE NOYES AS GUARDIAN TO SELL LAND.

Legislative  
Records of the  
Council, xv.,  
427.

House Jour-  
nal, p. 54.

A PETITION of M<sup>rs</sup> Katharine Noyes Guardian to her Son Oliver Noyes, Praying to be impowered to sell a peice of Land & Wharfe at the South End of Boston near the Neck belonging to the said Minor, which is at present altogether unprofitable, & will need much Money to be laid out on it before it will yeild any Proffit, altho' it will sell for something considerable, The pet<sup>r</sup> being ready to give Bond to the Judge of Probate for the County of Suffolk to be accountable for the produce of y<sup>e</sup> said Land to the Minor when he shall come of Age.

Read &

*Ordered* that the prayer of the petition be granted, & the petitioner is accordingly hereby impowered to make Sale of the Land & Wharf aforementioned she giving Bond to the Judge of Probate for the County of Suffolk for the produce thereof as is above proposed. [*Passed August 24.*]

## CHAPTER 52.

### ORDER ALLOWING THE DUKES COUNTY TREAS<sup>RS</sup> ACCO<sup>T</sup>.

Legislative  
Records of the  
Council, xv.,  
427.

House Jour-  
nal, p. 49.

AN ACCOUNT presented by Enoch Collin Esq<sup>r</sup> Treasurer of the County of Dukes County for the Year 1732, having been laid before the Court of General Sessions of the peace for the said County & by them allowed.

Read & Accepted &

*Ordered* that this Acco<sup>t</sup> be allowed. [*Passed August 24.*]

## CHAPTER 53.

### ORDER ERECTING THE FALMOUTH SOUTH INHABITANTS INTO A PRECINCT WHICH IS EXEMPTED FROM SUPPORTING THE MINISTER IN THE OTHER PART.

Legislative  
Records of the  
Council, xv.,  
427.

House Jour-  
nal, pp. 51, 54.

A PETITION of the Inhabitants of the Town of Falmouth living on the South Side of the Fore River, shewing that the said Town in a regular Meeting of the Inhabitants have Voted to set them off a separate precinct by the Bounds particularly set forth in their Vote, Praying a Confirmation thereof from the Authority of this Court.

Read &

*Ordered* that the prayer of the petition be so far granted, as that all the Lands with the Inhabitants thereon lying & being on the South Side of the Fore River in Falmouth running up said River towards Stroud Water River, untill it comes withiu half a Mile of the Mouth or Entrance of said Stroud Water River. & thence on a due West Course or Line across to Seaborô Line, be & hereby are erected into



a separate Precinct, Which precinct shall hold & enjoy equal powers, Priviledges & Advantages with any other Precinct in the Province, & be henceforward discharged from being rated to the Support of the Ministry in the other part of said Town, provided the Petitioners shall constantly support the Ministry among them from this time, & within two years shall build a sufficient House for the publick Worship of God, & shall also settle a learn'd & Orthodox Minister among them of good & sober Conversation. [*Passed August 24.*]

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## CHAPTER 54.

### ORDER IMPOWERING ANN MACFARLING TO ENTER AN ACTION.

A PETITION of Ann Isdel alias MacFarling, shewing that at the Court of General Sessions of the peace for the County of Suffolk held in April last, she was found guilty of Stealing, & carrying a Way a peice of Garlix holland from Samuel Webb of Boston & received Sentence accordingly, From which she appealed to the Court of Assize now sitting in Boston, & filed her Reasons of Appeal in due time; praying that she may be enabled now to enter the same.

Legislative  
Records of the  
Council, xv.,  
428.

House Jour-  
nal, pp. 54, 55.

Read &

*Ordered* that the prayer of the Petition be granted, And the pet<sup>r</sup> is hereby fully authorized & impowered to enter the Action within mentioned with the Clerk of the Court of Assize and General Goal Delivery now holden at Boston within & for the County of Suffolk, And the Justices of the said Court are hereby impowered & directed to hear & try the said Action (as effectually as if it had been enter'd on the first day of the Sitting of the said Court) & enter up Judgment & award Execution accordingly; And that the petitioner forthwith serve the said Samuel Webb with a Copy of this Petition & Order. [*Passed August 24.*]

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## CHAPTER 55.

### ORDER IMPOWERING THE TREASURER TO REDEEM BILLS OF THREE HANDS.

WHEREAS this Court formerly gave Order for the calling in the Bills of Credit on this province signed by three hands only, many of which may be still outstanding;

Legislative  
Records of the  
Council, xv.,  
429.

*Voted* that the Treasurer be further allowed & impowered to receive any of the said Bills (not counterfeit) any time within twelve Months next, & deliver other Bills on this Province in lieu thereof. [*Passed August 25.*]

House Jour-  
nal, p. 61.  
Province  
Laws, ix., 625,  
chap. 95.

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## CHAPTER 56.

### ORDER APPOINTING A COM<sup>TEE</sup> TO PREPARE INSTRUCTIONS TO THE AGENT.

In the House of Representatives,

*Ordered* that M<sup>r</sup> Speaker, M<sup>r</sup> Welles, Coll<sup>o</sup> Wainwright, M<sup>r</sup> Cushing, Major Brattle, M<sup>r</sup> Choat & M<sup>r</sup> Thacher with such as the Hon<sup>ble</sup> Board

Legislative  
Records of the  
Council, xv.,  
429.

Legislative  
Records of the  
Council, xv.,  
386. House  
Journal, pp. 55,  
62. *Ante*,  
p. 620, chap.  
93; p. 705,  
chap. 134.  
*Infra*, chap. 57.

shall appoint, be a Committee in the Recess of the Court to prepare such Instructions, Papers & Copies of Records as they may think proper to be sent to M<sup>r</sup> Agent Wilks to ascertain the Right of this province to the Gore of Land in Attleboró, as well as such as may shew forth the Northern & Southern Boundaries between this Province & the province of New Hampshire, And that the Committee transmit the same to M<sup>r</sup> Agent with all convenient Speed. In Council, Read & Concur'd &

*Ordered* that Sam<sup>l</sup> Thaxter, William Dudley, Thomas Cushing, Ezekiel Lewis & Fra<sup>s</sup> Foxcroft Esq<sup>rs</sup> be joined in the Affair, & that any seven of the Committee be a Quorum. In the House of Representatives, Read & Concur'd. [*Passed August 25.*]

## CHAPTER 57.

### VOTE ABOUT THE INSTRUCTIONS TO THE AGENT RELATIVE TO THE BOUNDARIES OF THE PROVINCE.

Legislative  
Records of the  
Council, xv.,  
429.

House Jour-  
nal, p. 56.  
*Supra*, chap.  
56.

*Toted* that the Committee appointed to prepare Instructions &c in the Recess of the Court to M<sup>r</sup> Agent Wilks, give it as a Direction to him that he take all possible Care that no Determination be made which may affect Property in the Settlement of the Boundaries between this province & the province of New Hampshire, & also between this province & the Colony of Rhode-Island. [*Passed August 25.*]

## CHAPTER 58.

### ORDER IMPOWERING GYLES DU LAKE TIDMARSH TO ENTER AN ACTION.

Legislative  
Records of the  
Council, xv.,  
428, 430.

House Jour-  
nal, p. 62.

A PETITION of Gyles Du Lake Tidmarsh Executor of the last Will & Testament of Samuel Appleton deceas'd, shewing that he brought his Action of Review against Anna Appleton Widow of the deceased (for sundry Goods &c. by her detained) at the Superior Court of Judicature now sitting in Boston, but thro' the Mistake of his Attorney the said action was not enter'd in due time, praying an Order of this Court for entering the same.

Read, &

*Ordered* that the Prayer of the petition be granted, & that the pet<sup>r</sup> be & hereby is impowered to enter the Action within mentioned with the Clerk of the Superior Court of Judicature accordingly, & the Justices of the said Court are impowered & directed to hear & determine the same, as thô it had been entered on the first day of the Courts Sitting. [*Passed August 25.*]

## CHAPTER 59.

### ORDER FOR A NEW PRECINCT IN ROXBURY.

Legislative  
Records of the  
Council, xv.,  
430.

THE COMMITTEE appointed to consider the Petition of the Inhabitants of the Westerly part of the Town of Roxbury,<sup>1</sup> Pursuant to Order have attended that Service, & heard both parties concerned in the said

<sup>1</sup> "Praying to have a Line assign'd them for a separte Precinct or Parish." because of their remoteness from the meeting house.—Legislative Records of the Council, viii., 200.

petition, & upon the whole are of Opinion, That it will conduce most to the peace & Welfare of the s<sup>d</sup> Town that the Inhabitants of the Westerly Part thereof be erected into a separate & distinct Precinct, agreeable to the Bounds contained in a petition of Joseph Weld John Perry & others, exhibited to this Court in the Year 1706, And that they be vested with all those powers, & priviledges which other Precincts within this Province do, or by Law ought to enjoy; all which is submitted.

By order of the Committee

SAM<sup>L</sup> THAXTER.

Read &

*Ordered* that this Report be accepted; And that the Western part of the Town of Roxbury be erected into a precinct accordingly. [*Passed August 25.*]

Mass. Archives, xi., 206, 220. Legislative Records of the Council, viii., 200, 227, 258, 268. House Journal, pp. 24, 53, 54, 61. Province Laws, viii., 185, chap. 55; 205, chap. 113. *Ante*, p. 719, chap. 18.

## CHAPTER 60.

### VOTE IMPOWERING SAM<sup>L</sup> DICKENSON TO SURVEY AND LAY OUT 200 ACRES OF LAND.

A PETITION of Samuel Dickenson of Deerfeild, Praying some Allowance out of the publick Treasury or a Grant of some province Lands in Consideration of his being taken Prisoner by the Indians in the last War & carried to Canada & the Miseries he endured in his Captivity & the great Charge he was at for his Redemption. Read & in Answer to this Petition

Legislative Records of the Council, xv., 408, 430. House Journal, p. 30.

*Ordered* that the Petition<sup>r</sup> be allowed & impowered by a Survey<sup>r</sup> & Chain men on Oath to survey & lay out two Hundred Acres of the unappropriated Lands of the province lying within the County of Hampshire & return a Plat thereof to this Court within Twelve Months for Confirmation to him his Heirs & Assigns Provided it does not prejudice the Settlem<sup>t</sup> of a new Township, nor interfere with any former Grant. [*Passed August 25.*]

## CHAPTER 61.

### ORDER OF NOTICE ON TIM<sup>O</sup> SPRAGUES PETITION RELATIVE TO A HIGHWAY.

A PETITION of Timothy Sprague of Malden in the County of Middlesex Miller, shewing that the Select Men of the Town of Stoneham have laid out a high way thro' his Land, & over his Mill Dam, which is greatly to his Damage, & that he has elapsed the time by Law allowed for his seeking his Remedy at the Court of General Sessions of the peace, by reason of the Clerk of the said Town of Stoneham denying him the Copies which concern the said Affair, which he could not obtain 'till very lately; And therefore praying an Order of this Court to enable him to apply to the Court of General Sessions of the Peace in the said County for Remedy; & that they may be impowered & directed to proceed therein according to Law.

Legislative Records of the Council, xv., 430. House Journal, pp. 47, 62.

Read &

*Ordered* that the Petitioner serve the Town Clerk of Stoneham with a Copy of this Petition, & that he give in his Answer thereto on the first Thursday of the next Sitting of this Court. [*Passed August 25.*<sup>1</sup>]

<sup>1</sup> Adjourned to October 3. See Legislative Records of the Council, xv., 431.

## CHAPTER 62.

ORDER OF NOTICE ON JOHN TALMANS PETITION FOR SETTING ASIDE  
A JUDGMENT.

Legislative  
Records of the  
Council, xv.,  
433.

House Jour-  
nal, p. 65.

A PETITION of John Talman of Edgar Town in Dukes County, shewing that he, being an Indian had a Right to improve some of the Indian Sachems Land in the said Place, & accordingly he fenced in a parcell of said Land, & took into his Enclosure Part of an unfinished & unoccupied House formerly erected by one John Butler of the same Town, for which he sued the petitioner before Samuel Norton, Benjamin Smith & Simeon Butler Esq<sup>rs</sup>, Who (altho' they are commissioned as Justices of the peace in the said County, the said Norton & Smith were never legally sworn, the Dedimus for swearing the Civil Officers of the said County being directed to five Gentlemen (any three of whom to be a Quorum) there were but three upon the place, the said Norton & Smith being two of them, Notwithstanding which they administer'd the Oaths to each other; And therefore praying that the said proceeding may be set aside, or that the Petitioner may be allowed to appeal from the Judgment given against him, or that he may be otherwise releived by this Court

Read &

*Ordered* that the pet<sup>r</sup> serve Samuel Norton, Benjamin Smith & Simeon Butler Esq<sup>rs</sup> as also John Butler Jun<sup>r</sup> with Copies of this petition. That the said John Butler shew Cause on Wednesday the seventeenth of October currant, why the prayer thereof should not be granted, & that the said Norton & others make Answer to what is complained ag<sup>st</sup> them. [*Passed October 3.*]

## CHAPTER 63.

## ORDER IMPOWERING THE BOSTON SELECT MEN TO CHOOSE COLLECTORS OF TAXES.

Legislative  
Records of the  
Council, xv.,  
434.

House Jour-  
nal, pp. 66, 67.

A PETITION of the Select Men of the Town of Boston, setting forth the Inconveniences the Town hath experienced in committing the Taxes to be collected by the Constables; & therefore praying that the Inhabitants of the said Town may be empowered by an Order of this Court at a Meeting to be called for that Purpose to chuse Collectors for gathering the Tax for this present Year other than the Constables of the said Town, Notwithstanding that the Season appointed by Law for chusing those Officers is elapsed.

Read &

*Ordered* that the prayer of the Petition be granted; And the Town of Boston is hereby allowed & empowered at a Meeting to be called for that Purpose to chuse Collectors of their Rates for the Year currant, separate from the Constables of said Town accordingly. [*Passed October 5.*]

## CHAPTER 64.

### VOTE ADJOURNING THE BRISTOL COUNTY COURTS.

WHEREAS the Court of General Sessions of the Peace, & Inferior Court of Common Pleas for the County of Bristol are by Law to be held & kept at Bristol in & for the said County of Bristol on the second Tuesday of October Currant, & many of the Members of the said Courts & others concerned there are Members of the General Court now convened;

Legislative  
Records of the  
Council, xv.,  
435.

House Jour-  
nal, p. 67.  
Province  
Laws, i., 367,  
chap. 1.

*Voted* that the Justices of the said Courts be & hereby are desired to adjourn the same to the first Tuesday in November next. [*Passed October 6.*]

## CHAPTER 65.

### VOTE FOR CELEBRATING THE ANNIVERSARY OF THE KINGS CORONATION.

FORASMUCH as Thursday the eleventh Instant will be the happy Anniversary of the Coronation of His Majesty King George the second our rightfull & lawfull Sovereign

Legislative  
Records of the  
Council, xv.,  
436.

*Voted* that the same be celebrated to Morrow being the eleventh Curr<sup>t</sup> in the Court House. [*Passed October 10.*]

House Jour-  
nal, p. 69.

## CHAPTER 66.

### ORDER IMPOWERING THE COMMITTEE TO PRINT AND SIGN SMALL BILLS OF CREDIT.

*Ordered* that the Committee of this Court appointed to sign the publick Bills of Credit be & hereby are impowered & directed to print off & Sign the Sum of Two thousand pounds of Bills of Credit from the plate of the lowest Denomination, & when finished to deliver them to the Treasurer, taking his Receipt therefor, Which are to wait the Order of this Court, the Committee to be paid for their Service as for signing the Bills last made. [*Passed October 11.*]

Legislative  
Records of the  
Council, xv.,  
437.

House Jour-  
nal, p. 70.  
*Ante*, p. 289,  
chap. 177.

## CHAPTER 67.

### ORDER OF NOTICE ON THE PETITION OF MARSHFEILD & SCITUATE INHABITANTS.

ON THE PETITION of divers Inhabitants of Marshfeild & Scituate, [*ante*, p. 726, chap. 36]

*Ordered* that this petition be revived, & the further Consideration thereof referr'd to the first Tuesday of the next Sitting of this Court, & that the Petitioners notify the Town of Marshfeild & the South precinct in Scituate hereof, that so they may give in their Answers to the petition on the said Day. [*Passed October 12.*]

Legislative  
Records of the  
Council, xv.,  
437.

House Jour-  
nal, pp. 71, 72.  
*Ante*, p. 726,  
chap. 36.

## CHAPTER 68.

ORDER IMPOWERING THE TREASURER TO EXCHANGE TORN AND  
DEFACED BILLS OF CREDIT.

Legislative  
Records of the  
Council, xv.,  
437.

House Jour-  
nal, p. 70.  
*Ante*, p. 737,  
chap. 66.

*Ordered* that the Treasurer be & hereby is directed to exchange the two thousand pounds of Bills of Credit ordered to be imprinted & struck off from the plate of the lowest Denomination for such torn & defaced Bills of this province as shall be offered him in Exchange thereof. [*Passed October 12.*]

## CHAPTER 69.

ORDER CONFIRMING A PLAT OF 500 ACRES OF LAND TO THE HEIRS  
OF M<sup>R</sup> STODDARD & M<sup>R</sup> WELD.

Legislative  
Records of the  
Council, xv.,  
437.

House Jour-  
nal, p. 70.

A PLAT of five hundred Acres of Land granted by the General Court of the late Colony of the Massachusetts Bay in the Year 1660, to Anthony Stoddard dec<sup>d</sup> & the Children of Cpt. Weld dec<sup>d</sup>, surveyed by John Chandler Esq<sup>r</sup> & William Chandler Surveyors, & two Chainmen on Oath, Beginning in the Northerly Line of a Township newly laid out, called Lambs Town near the North East Corner thereof, where a small red Oak is mark'd, & a Heap of Stones at the Root thereof, from thence proceeding by a Line running North 2°. 30'. West four hundred Perch to a large heap of Stones for the North East Corner, from thence extending West 2°. 30' South, two hundred perch to a large heap of Stones for the North West Corner, from thence by a Line running South 2°. 30' East four hundred perch to a large heap of Stones for the South West Corner, from thence it extends East 2° 30' North two hundred Perch to the first Corner.

Read &

*Ordered* that this plat be accepted, & the Land within delineated & described be & hereby is confirmed unto the Heirs & lawfull Representatives of the said Anthony Stoddard dec<sup>d</sup> & the Children of the said Cpt. Weld, that is to say the Northerly half thereof to the Heirs &c of the said M<sup>r</sup> Stoddard, & the other half to the Children of the said Cpt. Weld according to the prick't Line on the Plat, provided the Plat contains no more than the Quantity of five hundred Acres of Land, & does not interfere with any former Grant. [*Passed October 12.*]

## CHAPTER 70.

## ORDER FOR BURNING TORN &amp; DEFACED BILLS OF CREDIT.

Legislative  
Records of the  
Council, xv.,  
438.

House Jour-  
nal, p. 71.

AN Accompt presented by the province Treasurer of torn & defaced Bills unfit for future Service, & pack'd up to be burn'd. In the House of Representatives. Read &

*Ordered* that John Wainwright, William Brattle, Samuel Welles, John Chandler, Joseph Dwight, Charles Church, & John Stoddard Esq<sup>r</sup>, M<sup>r</sup> Oxenbridge Thacher, M<sup>r</sup> John Choat, Nathaniel Sartle Esq<sup>r</sup> & Cpt Benjamin Brown with such as the Hon<sup>ble</sup> Board shall appoint be a Committee to take an Accompt of what torn & defaced Bills are in the Treasury, & unfit for Service for the future, of the Number of each

Sort of the Bills, with the whole Sum of them, to give M<sup>r</sup> Treasurer a Receipt for them, & burn them to Ashes, & make Report of their doings herein as soon as may be.

In Council, Read & Concurred, and Thomas Cushing, Ezekiel Lewis, Francis Foxcroft & John Jeffries Esq<sup>rs</sup> are joined in the Affair. [*Passed October 12.*]

## CHAPTER 71.

### ORDER OF NOTICE ON JOHN HEWLET'S PETITION FOR LEAVE TO ENTER AN APPEAL.

A PETITION of John Hewlet of Swanzey in the County of Bristol, shewing that in March 1731 he hired by lease for seven years of M<sup>r</sup> John Rogers his Farm in Swanzey aforesaid, that the said Rogers is since dead, & his Heirs brought their Action of Ejectment against the Petitioner at the last Inferior Court of Common pleas for the County of Bristol held in July last, where the Case went against him by means of the Absence of the Witnesses to the Lease, that the pet<sup>r</sup> appealed from that Judgment to the last Sup<sup>r</sup> Court for said County & filed his Reasons of Appeal, but thro' Mistake his Appeal was not entered the first day of the Court, Praying to be Enabled by an Order of this Court to enter his Appeal at the next Superior Court for said County, & that it may be then tried.

Read &

*Ordered* that the petitioner serve the adverse parties or their Attorney M<sup>r</sup> Perez Bradford with a Copy of this petition that they shew Cause on Fryday the second of November next, if the Court be then sitting, if not on the first Thursday of the next Sitting of the Court why the Prayer thereof sh<sup>d</sup> not be granted. [*Passed October 12.*]

Legislative  
Records of the  
Council, xv.,  
438.

House Jour-  
nal, p. 71.

## CHAPTER 72.

### ORDER ON PET<sup>rs</sup> OF DANIEL GAGE & OTHERS OF BRADFORD RELATIVE TO MINISTERIAL RATES.

A PETITION of Daniel Gage and others Inhabitants of the Westerly part of the Town of Bradford, shewing that upon their Application to the West Precinct in the said Town, that they might be set off to some other Precinct, or that the Meeting House might be removed nearer to them, or they be eased of one quarter part of their Ministerial Tax, the said Precinct Voted the thing last proposed, but upon taxing the other Inhabitants what was taken off from the petitioners, some of them refused to pay the same, & applied to the Court of General Sessions of the peace for the County of Essex, who gave it as their Opinion that the Parish are not allowed by Law to make any Tax for the future in Consequence of that Vote, by which means the petitioners are like to be defeated of the benefit of that Vote, And therefore praying that the said Vote may be ratified by this Court, or that the petitioners may be otherwise relieved in the premises.

Read &

*Ordered* that the prayer of the petition be granted, & the Assessors of the West precinct in Bradford are hereby directed to lay their Ministerial Rates for the future so as that the pet<sup>rs</sup> may enjoy the Benefit of the Vote within mentioned accordingly. [*Passed October 12.*]

Legislative  
Records of the  
Council, xv.,  
438.

House Jour-  
nal, p. 72.

## CHAPTER 73.

## ORDER CONFIRMING A PLAT OF 1,000 ACRES OF LAND FOR CAMBRIDGE SCHOOL.

Legislative  
Records of the  
Council, xv.,  
439. Maps  
and Plans,  
Mis., viii., 34.

Maps and  
Plans, Mis.,  
viii., 33 *bis*, 34.  
House Jour-  
nal, pp. 70, 71.  
Town and  
Selectmen's  
Records of  
Cambridge,  
B. 1. May 22,  
1733.

A PLAT of One thousand Acres of Land, granted by the late Colony of the Massachusetts Bay in the Year 1664, to the Town of Cambridge for the Use of a Grammar School, laid out by Eben<sup>r</sup> Prescott Surveyor & two Chaimmen on Oath, lying Westward of Dunstable & near to Townshend on the Northerly Side thereof, & on the North West Side of Muspetanapus Hill, beginning at the East End of said Hill just across a little Swamp at a red Oak standing on the West Side of a little ragged Knowl, then running South West almost 16. 00. three hundred & twenty five perch to a white Oak marked, then running West  $41\frac{1}{2}$  degrees North four hundred & eighty Perch to a Stake and Stones, then running North almost 44 degrees East three hundred & forty perch to a black Oak, then running East  $44\frac{1}{2}$  degrees South five hundred & six perch to the Bound first mentioned, every Corner marked with Cambridge.

Read and

*Ordered* That this Plat be accepted, and that the Lands within delineated and described be and hereby are confirmed to & for the use of the Gramar school in the town of Cambridge for Ever provided the plat exceeds not the quantity of one thousand Acres of Land nor does interfere with any former Grant. [*Passed October 12.*]

## CHAPTER 74.

## ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO JOS: STEVENS.

Legislative  
Records of the  
Council, xv.,  
440. Maps and  
Plans, Mis.,  
viii., 9.

Maps and  
Plans, Mis.,  
viii., 9.  
House Jour-  
nal, p. 72.  
*Ante*, p. 681,  
chap. 78.

A PLAT of two hundred Acres of Land granted by the General Assembly in Nov<sup>r</sup> last to Cpt. Joseph Stevens, surveyed by Samuel Wright Esq<sup>r</sup> Surveyor, & two Chaimmen on Oath, lying between Lancaster new Grant and Rutland, & beginning at a Great Rock, & Heap of Stones upon it on the Northerly Line of Watertown 2,000 Acres, & the Southerly Corner of M<sup>r</sup> Mahews Farm, South-east from great Wachuset Hill, running West 35 degrees North ninety rods on said Line to a heap of Stones marked with **IS**, then running North 19 deg<sup>r</sup> East under Rocky hill fifty rods to a heap of Stones joining on the South Line of Benjamin Muzzy's Farm, & then running on said Line East forty three rods to an Ash Tree in a Swamp, being the Corner of said Muzzy's Farm, then running on his East Line North five degrees East, one hundred & sixty eight Rods to a Tree & Stones, being said Muzzy's North East Corner, then running East 35 deg<sup>r</sup> South upon province Land one hundred & sixty rods to a Chestnut Tree & heap of Stones for a Corner, then running upon province Land South One hundred & seventy seven rods joining on the Northerly Line of said Mahew's Farm, & then running on said Farm West 35 deg<sup>r</sup> North to the North West Corner of said Farm, then running on the West Line of said Farm South 35 deg<sup>r</sup> West to the Rock where it first began, mark'd at every Corner with **IS** on y<sup>e</sup> Stones.

Read and

*Ordered* That the within plat be accepted and that the Lands therein delineated and described be and hereby are confirmed unto the said



Joseph stevens his heirs and Assigns for Ever, provided it exceeds not the quantity of two hundred Acres and does not interfere with any former Grant. [*Passed October 13.*]

## CHAPTER 75.

### ORDER OF NOTICE ON JOSEPH BRANDONS PETITION PRAYING FOR LEAVE TO BRING AN ACTION.

A PETITION of Joseph Brandon of Boston Merchant, shewing that Gyles du lake Tidmarsh Executor of the Testament of Sam<sup>l</sup> Appleton dec<sup>d</sup> recovered Judgment against him at the Superior Court of Judicature held at Boston in February last for £1,635. 5. 3 being the Balance of an Accompt settled between the petitioner & the said Appleton in June 1728, tho' the pet<sup>r</sup> on the Trial made full proof of the payment of £1,799. 7 to the written Order of the said Appleton in November following, That the petitioner afterwards brought an Action against the said Executor for the Sum of £77. 4. 11 being the Ballance of the whole dealings between him & M<sup>r</sup> Appleton to the day of his death, & also reviewed the first mentioned Action, both which were tried at the Sup<sup>r</sup> Court of Judicature held at Boston, & were committed together to the same Jury, who declared openly that they found the Accompt annexed to the pet<sup>r</sup>s Writt just & well proved, excepting one Article of £525 for £130 Sterling paid by Francis Wilks Esq<sup>r</sup> of London, Therefore they brought in for the said Executor Costs of Suit on the pet<sup>r</sup>s Action tried by Appeal. & £1,192. 10. 2 for the pet<sup>r</sup> in the Review to leave £525 of the first mentioned Judgment of the said Executor against the petitioner in his power to take by Execution when he pleases, accounting as part the Ballance of £77. 4. 11 sued for, That the pet<sup>r</sup> had in Court to support the Article of £130 Sterling M<sup>r</sup> Wilks's Account & Letter, & a Copy of M<sup>r</sup> Appletons Receipt, & is able to get further Proof if he be allowed time, but he cannot bring his Action for that Article without the special Order of this Court, And therefore praying that he may be enabled to bring his particular Action against the said Tidmarsh for the abovesaid Article of £130 Sterling paid by M<sup>r</sup> Wilks, & may be allowed a reasonable time to produce his proofs from England, & that M<sup>r</sup> Tidmarsh who acts as an Executor, & is speedily going for England may not be allowed to levy his Execution upon the last Judgm<sup>t</sup> on the pet<sup>r</sup> without giving Bond to refund so much as the pet<sup>r</sup> shall recover against him.

Read &

*Ordered* that the pet<sup>r</sup> serve the adverse Party with a Copy of this Petition, that he shew Cause on Wednesday the seventeenth Currant, why the Prayer thereof should not be granted. [*Passed October 13.*]

## CHAPTER 76.

### ORDER OF NOTICE ON SAMUEL BULLS PETITION FOR LEAVE TO APPEAL FROM A SENTENCE.

A PETITION of Samuel Bull of Cambridge in the County of Middlesex, shewing that sometime in April or May 1732, he took up a pillion Cloth near one Joseph Russels House in Charlestown, & left it at said Russels House for the Owner, That the next Morning one Joseph Her-

Legislative  
Records of the  
Council, xv.,  
440.

House Jour-  
nal, pp. 72, 73.  
*Ante*, p. 734,  
chap. 58.

Legislative  
Records of the  
Council, xv.,  
441.

House Jour-  
nal, p. 71.

rington of Lexington came to said Russels House, & claimed the said pillion Cloth, w<sup>ch</sup> Russel offered to deliver him upon his paying twelve pence, which he refused, & then Russel offered it without his paying anything for finding it, but he went away, & in August last the said Herrington in a very malicious manner prosecuted the pet<sup>r</sup> for Theft before M<sup>r</sup> Justice Fulham in a distant Part of the Country where the pet<sup>r</sup> was but little known, & obtained Sentence against him, from which he challenged an Appeal to the Quarter Sessions, but being a Stranger he could get no Sureties, And therefore praying that he may now be impowered by an Order of this Court to appeal from the Sentence of the said Justice Fulham to the next Court of General Sessions of the peace for the said County of Middlesex.

Read &

*Ordered* that the Petitioner serve the adverse party with a Copy of this petition, that he shew cause on Tuesday the sixteenth Currant, why the Prayer thereof should not be granted. [*Passed October 13.*]

## CHAPTER 77.

### ORDER ALLOWING THE COUNTY TREAS<sup>r</sup> OF YORK HIS ACCO<sup>t</sup>.

Legislative  
Records of the  
Council, xv.,  
442.

House Jour-  
nal, p. 75.

AN ACCO<sup>UNT</sup> presented by M<sup>r</sup> Joseph Moody Treasurer of the County of York for the Year 1732, having been laid before the Court of General Sessions of the Peace for the said County, and by them allowed.

Read &

*Ordered* that this Acco<sup>unt</sup> be allowed. [*Passed October 15.*]

## CHAPTER 78.

### ORDER ON TIMOTHY SPRAGUE'S PETITION RELATIVE TO LAYING OUT A HIGHWAY.

Legislative  
Records of the  
Council, xv.,  
442.

House Jour-  
nal, pp. 67, 73.  
Province  
Laws, ii., 453,  
chap. 1.  
*Ante*, p. 735,  
chap. 61.

ON THE PET<sup>n</sup> of Tim<sup>s</sup> Sprague, [*ante*, p. 735, chap. 61]

Read together with the Answer of the Town Clerk of Stoneham, & the Matter being fully considered. In answer to this Pet<sup>n</sup>

*Noted* that the Petitioner be & hereby is allowed Liberty to apply to the Court of General Sessions of the peace next, to be holden at Charlestown within & for the County of Middlesex for Remedy in the Premises; And the said Court is hereby impowered & required to hear the said Application, & make proper Inquiry into & Determination of the Matter of laying out the said Way by a Jury to be thereunto appointed by one of the Coroners of said County not an Inhabitant of Charlestown, And that it be recommended to the Coroner that no Inhabitant of Charlestown, Stoneham, Woburn or Reading be on the pannel, & to proceed herein according to the direction of the Act entitled an Act in Addition to an Act entitled An Act for High Ways made in the first Year of his present Majesty's Reign, & that the said Court enter up Judgment accordingly. [*Passed October 16.*]

## CHAPTER 79.

## ORDER IMPOWERING WM. HIX TO BRING A WRIT OF REVIEW AND GRANTING STAY OF EXECUTION.

ON THE PET<sup>n</sup> of Will<sup>m</sup> Hix, [*ante*, p. 730, chap. 45]

Read together with the Answer of Benjamin Soul, & the same being fully considered,

*Ordered* that the prayer of this petition be so far granted, as that the pet<sup>r</sup> be & hereby is enabled to bring his Writ of Review of the Action within mentioned at the Inferior Court of Common pleas to be holden at Bristol for the County of Bristol on the second Tuesday of January next, & have the Benefit of any new plea or Evidences on Tryal of the s<sup>d</sup> Action his Default notwithstanding, And the Justices of the said Court are hereby impowered & directed to hear & determine the same accordingly, And that Execution be staid in the mean time. [*Passed October 16.*]

Legislative  
Records of the  
Council, xv.,  
442.

House Jour-  
nal, p. 56.  
*Ante*, p. 730,  
chap. 45.

## CHAPTER 80.

## ORDER CONFIRMING A PLAT OF 150 ACRES OF LAND BETWEEN NORTHFEILD AND LUNENBURG.

A PLAT of One hundred & fifty Acres of Land granted by the General Court of this province held in April last to such person as should keep an Inn in the Mid-Way between Northfeild & Lunenburgh, laid out by Nath<sup>l</sup> Haywood Surveyor & two Chain men upon Oaths, Beginning at a Pine Tree marked for the Southerly Corner, & running West 33 deg<sup>r</sup> North fifty two Rods, from thence North 14 degrees West fifty one Rods, thence running West 12 deg<sup>r</sup> North thirty four Rods, from thence running North 10 deg<sup>r</sup> West twenty eight Rods, thence running North 25 deg<sup>r</sup> East eighty four Rods to a White pine Tree, from thence running East thirty nine Rods to a pine Tree marked, thence running North 30 deg<sup>r</sup> East seventy eight Rods to a Stake, from thence running West two hundred & thirty eight Rods, thence running South 26 deg<sup>r</sup> East two hundred & thirty four Rods, then running South 40 degrees East to the place where it began.

Read and

*Ordered* That the plat be accepted And that the Lands therein delineated and described be and hereby are confirmed to the Master<sup>1</sup> of the Family his heirs and Assigns that shall keep the House of Entertainment and effectually do & perform the Conditions mentioned in the Grant to Col<sup>o</sup> Josiah Willard & others respecting the building an House for receiving and entertaining travellers &<sup>c</sup> provided it exceeds not the quantity of One hundred and fifty Acres And does not interfere with any former Grant. [*Passed October 19.*]

Legislative  
Records of the  
Council, xv.,  
445. Maps and  
Plans, Mis.,  
vii., 35.

Maps and  
Plans, Mis.,  
vii., 35 *bis*.  
House Jour-  
nal, p. 80.  
*Ante*, p. 698,  
chap. 116.

<sup>1</sup> Benjamin Bellows was the grantee. — Maps and Plans, Miss., vii., 35.

## CHAPTER 81.

## ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO JOSEPH MALLINSON.

Legislative  
Records of the  
Council, xv.,  
446. Maps and  
Plans, Mis.,  
viii., 7.

Maps and  
Plans, Mis.,  
viii., 7. House  
Journal, pp. 81,  
82. *Ante*, p.  
689, chap. 94.

A PLAT of two hundred Acres of Land granted by the General Court of this Province at their Session in May last<sup>1</sup> to Joseph Mallinson, laid out by Phineas Jones Surveyor & two Chaimmen on Oath; Beginning at a Hemlock Tree mark'd **M** standing by Pesumscot River on the Westerly Side, & about forty five Rods above the upper Part of the fourth great Falls from the Mouth of the River, from said Hemlock Tree running West 27 degrees South One hundred & sixty Rods to a black Assh Tree mark'd **M**, thence South 27 degrees East two hundred Rods to a small Maple Tree mark'd **M**, thence East 27 degrees North One hundred & sixty Rods to a large Hemlock Tree mark'd **M** standing by the aforesaid River, thence up the River as y<sup>e</sup> River runs to the first mentioned Bounds.

Read and

*Ordered* that the plat be Accepted and the Lands within delineated and described be and hereby are confirmed unto the said Joseph Mallinson his heirs and Assigns for Ever provided it exceeds not the quantity of two hundred Acres and does not interfere with any former Grant. [*Passed October 19.*]

## CHAPTER 82.

## ORDER ABOUT SURVEYING NEW TOWNS WESTWARD.

Legislative  
Records of the  
Council, xv.,  
446.

House Jour-  
nal, p. 53  
(1732); p. 82.  
*Ante*, p. 503,  
chap. 1287,  
p. 725, chap.  
94.

WHEREAS this Court at their Sitting in April last past did appoint a Committee to survey and lay out three Townships in the Western Frontiers, agreeable to the Vote of the third of July preceeding, one at Paquoiaq, & two at Ashuelot River, & return plats to this Court at the then next May Session; which Service has not yet been perform'd, & the greater part of the Committee being Members of the General Assembly wherein their Attendance is necessary, And the House being certified that there are great Numbers of Persons desirous to settle themselves in said Townships in the next Spring of the Year, which cannot be unless there be a speedy Survey thereof.

Therefore

*Voted* that Joseph Kellog & Timothy Dwight Esq<sup>rs</sup> & Cpt. William Chandler (or any two of them) be a Committee for that Purpose, & that they be directed forthwith to repair to those Lands, & with Chain men on Oath to lay out a Township at Paquoiaq & two Townships at Ashuelot agreeable to the said Vote of the third of July 1732, unless they find that by reason of the laying out of the Township granted to Coll<sup>o</sup> Willard & others the Land remaining at Ashuelot River will not well serve for two Townships, that then they lay out only one Township on Ashuelot, & that they return Plats thereof to this Court at the present Sitting. [*Passed October 19.*]

<sup>1</sup> No order of that time appears in the records. See, however, *ante*, p. 689, chap. 94, with its citations.

## CHAPTER 83.

## ORDER IMPOWERING BENJAMIN STAR TO SURVEY AND LAY OUT 400 ACRES OF LAND.

A PETITION of Benjamin Star for him self & the rest of the heirs & Descendants of the Widow of Thomas Star late of Charlestown dec<sup>d</sup>, shewing that the General Court of the late Colony of the Massachusetts Bay did in the Year 1658, for Services done by the said Thomas Star make a Grant of four hundred Acres of Land to his said Widow & Children, which has not yet been laid out, And therefore praying that they may now be allowed to lay out four hundred Acres of the unappropriated Land of the province to satisfy the said Grant.

Read &

*Ordered* that the prayer of y<sup>e</sup> petition be granted, And the petitioners are allowed & empowered by a Surveyor & Chainmen on Oath to survey & lay out four hundred Acres of the unappropriated Lands of the province so as not to prejudice the Settlement of a Township, & that they return a Plat thereof to this Court within twelve Months for Confirmation. [*Passed October 19.*]

Legislative  
Records of the  
Council, xv.,  
447.

House Jour-  
nal, p. 81.

## CHAPTER 84.

## ORDER IMPOWERING SAMUEL BULL TO APPEAL FROM A SENTENCE.

ON THE PET<sup>n</sup> of Samuel Bull, [*ante*, p. 741, chap. 76]

Read, & it appearing that the adverse party has been served with a Copy of this petition, & not having given any Answer thereto,

*Ordered* that the prayer of the petition be granted, & that the Petitioner be & hereby is allowed & empowered to appeal from the Sentence of the Justice within named to the Court of General Sessions of the peace next to be holden at Charlestown for the County of Middlesex, upon his recognizing with sufficient Sureties to prosecute his said Appeal with Effect, & seasonably filing his reasons of Appeal with the Clerk of the said Court, And the said Court are hereby empowered to hear & try the same, enter up Judgment & award Execution accordingly, And the petitioner is directed to serve the Adverse party with a Copy of this Order at least fourteen days before the Sitting of the Court. [*Passed October 19.*]

Legislative  
Records of the  
Council, xv.,  
447.

House Jour-  
nal, p. 81.  
*Ante*, p. 741,  
chap. 76.

## CHAPTER 85.

## ORDER ALLOWING £3,000 TO THE JUDGES.

*Ordered* that the Sum of three thousand pounds be allowed & paid out of the publick Treasury to the Hon<sup>ble</sup> the Justices of His Majesty's Superior Court of Judicature, Court of Assize & General Goal Delivery for their Service for three Years which will end the first day of January next, in full including their going to Nantucket, to be paid in proportion to the Courts they have attended or shall attend during the said Term. [*Passed October 20.*]

Legislative  
Records of the  
Council, xv.,  
448.

House Jour-  
nal, p. 82.

## CHAPTER 86.

ORDER ALLOWING £450 TO Y<sup>E</sup> SECRETARY AND A FURTHER SUM OF £250.Legislative  
Records of the  
Council, xv.,  
449.House Jour-  
nal, p. 83.

*Ordered* that the Sum of Four hundred & fifty Pounds be allowed & paid out of the publick Treasury to Josiah Willard Esq<sup>r</sup> Secretary of this province in full for his Services for three Years, which will determine the third day of December next; And that the further Sum of Two hundred & fifty Pounds be allowed & paid out of the Publick Treasury to M<sup>r</sup> Secretary Willard for his extraordinary Service. [*Passed October 20.*]

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## CHAPTER 87.

ORDER ALLOWING £750 TO THE TREASURER AND A FURTHER SUM OF £300.

Legislative  
Records of the  
Council, xv.,  
449.House Jour-  
nal, p. 83.

*Ordered* that the Sum of Seven hundred & fifty Pounds be allowed & paid out of the publick Treasury to Jeremiah Allen Esq<sup>r</sup> Treasurer of this province in full for his Services for three Years past, which ended the first day of June, And that the further Sum of Three hundred pounds be allowed & paid out of the publick Treasury to the said Jeremiah Allen Esq<sup>r</sup> in full Consideration of his Services in the Treasury &c: for three years, which will end the first day of December next. [*Passed October 20.*]

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## CHAPTER 88.

ORDER ALLOWING £720 TO THE PRESIDENT OF THE COLLEDGE AND A FURTHER SUM OF £360.

Legislative  
Records of the  
Council, xv.,  
449.House Jour-  
nal, p. 83.

*Ordered* that the Sum of Seven hundred & twenty Pounds be allowed & paid out of the publick Treasury to the Rev<sup>d</sup> M<sup>r</sup> Benjamin Wadsworth, President of Harvard Colledge for his Service in that Affair for two years last ending in June last, And further to enable the said Reverend President to manage the weighty & important Affairs of that Society, that the Sum of three hundred & Sixty Pounds be allowed and paid out of the Publick Treasury for the Services the Year Current, which will end in June next, The Money to be paid him Quarterly. [*Passed October 20.*]

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## CHAPTER 89.

ORDER ALLOWING £160 TO FRA<sup>s</sup> FOXCROFT ESQ<sup>B</sup>.Legislative  
Records of the  
Council, xv.,  
449.House Jour-  
nal, p. 83.

*Ordered* that the Sum of One hundred & sixty Pounds be allowed & paid out of y<sup>e</sup> Publick Treasury to Francis Foxcroft Esq<sup>r</sup> late Clerk of y<sup>e</sup> House in full for his Service therein for y<sup>e</sup> Year 1731. [*Passed October 20.*]

## CHAPTER 90.

## ORDER ALLOWING £320 TO THE CLERK OF THE HOUSE.

*Ordered* that the Sum of three hundred & twenty Pounds be allowed & paid out of the publick Treasury to John Wainwright Esq<sup>r</sup> Clerk of the House for his Services for the Years 1732, & 1733, in full to the next May Session. [*Passed October 20.*]

Legislative  
Records of the  
Council, xv.,  
449.

House Jour-  
nal, p. 83.

## CHAPTER 91.

## ORDER ALLOWING 4/ PER DIEM TO THE SPEAKER.

*Ordered* that there be allowed & paid out of the publick Treasury after the Rate of four shillings p<sup>r</sup> diem to the Hon<sup>ble</sup> John Quincy Esq<sup>r</sup> Speaker of the House for every day of his Attendance in the General Court from the Opening of the Session begun May 26. 1731, to the Dissolution of the present Assembly upon Certificate from the Clerk of the House in Consideration of his constant Application to the publick Affairs of the province. [*Passed October 23.*]

Legislative  
Records of the  
Council, xv.,  
450.

House Jour-  
nal, p. 83.

## CHAPTER 92.

## ORDER ALLOWING £360 TO THE DOORKEEPER.

*Ordered* that the Sum of Three hundred & sixty Pounds be allowed & paid out of the publick Treasury to Richard Hubbard Doorkeeper to his Excellency the Governor & this Court in full for his Services for three years, which will determine the 19<sup>th</sup> of February next. [*Passed October 23.*]

Legislative  
Records of the  
Council, xv.,  
450.

House Jour-  
nal, p. 84.

## CHAPTER 93.

## ORDER ALLOWING £120 TO THE CHAPLAINS OF THE COURT.

*Ordered* that the sum of One hundred & twenty Pounds be allowed & paid out of the publick Treasury, viz<sup>t</sup> Sixty Pounds half thereof to the Rev<sup>d</sup> Chaplain who officiated at the Hon<sup>ble</sup> Board for three years past, inclusive of the Year Currant, & Sixty Pounds the Residue thereof to the Rev<sup>d</sup> M<sup>r</sup> Sam<sup>l</sup> Cheekley Chaplain of y<sup>e</sup> House for his Service the said Term. [*Passed October 23.*]

Legislative  
Records of the  
Council, xv.,  
450.

House Jour-  
nal, p. 84.

## CHAPTER 94.

## ORDER FOR A TOWN MEETING AT SHEFFIELD.

*Ordered* that M<sup>r</sup> Matthew Noble one of the principal Inhabitants of the said Town of Sheffield in the County of Hampshire be & hereby is impowered & directed to notify & warn the Inhabitants of the said

Legislative  
Records of the  
Council, xv.,  
450.

House Jour-  
nal, p. 85.  
Province

Laws, ii., 673,  
chap. 1.  
*Ante*, p. 728,  
chap. 41.

Town of Sheffield to assemble & convene as soon as may be to elect & chuse Town Officers to stand untill the Anniversary Election in March next. [*Passed October 23.*]

## CHAPTER 95.

ORDER ALLOWING £6 PER CENT PER ANNUM TO THE HEIRS OF  
SAMUEL SEWALL.

Legislative  
Records of the  
Council, xv.,  
450.

House Jour-  
nal, p. 84.  
*Ante*, p. 590,  
chap. 23.

*Ordered* that there be allowed & paid out of the publick Treasury to the Heirs or lawfull Represen<sup>ves</sup> of the late Hon<sup>ble</sup> Samuel Sewall Esq<sup>r</sup> deceased after the Rate of Six pounds per Cent *p* Annum on the principal Sum specified on the Contract between the Committee of this Court & the said Heirs, being for the Consideration purchase of the Coach House, Stables &c where his Excellency's Coaches & Horses are kept from the time of concluding this Contract. [*Passed October 23.*]

## CHAPTER 96.

ORDER ALLOWING £120 EACH TO THE TRUCK MASTERS AT ST. GEORGES  
AND RICHMOND FORT.

Legislative  
Records of the  
Council, xv.,  
451.

House Jour-  
nal, p. 84.

*Ordered* that the Allowance to the Truck Masters at S<sup>t</sup> Georges River & Richmond Fort be after y<sup>e</sup> Rate of One hundred & twenty Pounds *p* ann: each from the time the last paym<sup>ts</sup> were made them. [*Passed October 23.*]

## CHAPTER 97.

VOTE AB<sup>t</sup> THE EMISSION OF RHP<sup>d</sup> ISL<sup>d</sup> BILLS OF CREDIT.

Legislative  
Records of the  
Council, xv.,  
451.

House Jour-  
nal, p. 85.

THIS COURT being informed that the Govern<sup>mt</sup> of Rhode Island have lately ordered a large Emission of Bills of Credit on that Colony, which may (more especially if not well founded) not only tend to depreciate the Bills of Credit on this province, but affect y<sup>e</sup> Trade & Business thereof,

*Ordered* that M<sup>r</sup> Secretary Willard be & hereby is directed to write & express to the Hon<sup>ble</sup> William Wanton Esq Governor of that Colony, desiring that by the Bearer thereof he would fully inform this Court of the Nature of said Emission by sending Copies of the Acts, Votes & Resolves of that Government referring thereunto. [*Passed October 23.*]

## CHAPTER 98.

ORDER ALLOWING £200 TO THE GOV<sup>R</sup> FOR GOING EASTWARD.

Legislative  
Records of the  
Council, xv.,  
451.

House Jour-  
nal, p. 86.  
*Ante*, p. 667,  
chap. 43.  
*Infra*, chap. 99.

*Ordered* that the Sum of Two hundred pounds be allowed & paid out of the publick Treasury to his Excellency Jonathan Belcher Esq Cap<sup>n</sup> General & Gov<sup>r</sup> in Cheif of this his Maj<sup>ty's</sup> Province with the sincere & hearty thanks of this Court to his EX<sup>cy</sup>. for his late Interview with the Indians at Falmouth in Casco Bay, & for his EX<sup>cy's</sup> Charge therein. [*Passed October 23.*]



## CHAPTER 99.

## ORDER ALLOWING £100 TO CPT. THOMAS DURELL.

*Ordered* that the Sum of One hundred pounds be allowed & paid out of the publick Treasury to Cpt<sup>n</sup> Thomas Durell, Commander of his Majesty's Ship Scarborough, with the thanks of this Court in Consideration of his handsome Treatment of his Excellency the Governor in his late Voyage to Casco Bay & back, & for his Assistance with his Majesty's Ship & Company at the late Interview at Falmouth, his Excellency had with the Indians there. [*Passed October 23.*]

Legislative  
Records of the  
Council, xv.,  
451.

Legislative  
Records of the  
Council, xv.,  
266. House  
Journal, p. 86.  
*Supra*, chap.  
98.

## CHAPTER 100.

## ORDER ALLOWING £1,300 TO THE AGENT AT LONDON.

*Ordered* that the Sum of thirteen hundred pounds be allowed & paid out of the Publick Treasury to Francis Wilks of London Esq<sup>r</sup> in full for his Service in the Agency of this province at the Court of Great Britain. [*Passed October 24.*]

Legislative  
Records of the  
Council, xv.,  
452.

House Jour-  
nal, p. 86.

## CHAPTER 101.

ORDER ALLOWING £300 TO SUNDRY TOWNS FOR MAINTAINING THE  
CAMBRIDGE BRIDGE.

WHEREAS the great Bridge over Charles River in Cambridge is very thoroughly<sup>1</sup> and effectually repaired,

*Voted* that the Sum of three hundred pounds be allowed & paid out of the publick Treasury to the Represent<sup>ves</sup> of the Towns of Cambridge, Newton & Lexington, to be by them received & paid into the Treasuries of the said Towns in the proportion following, To the Town of Cambridge One hundred & eleven pounds sixteen shillings, To the Town of Newton One hundred pounds, To the Town of Lexington Eighty two Pounds four shillings; said Sum of three hundred pounds being in discharge of a Grant made them by the General Court November 21. 1729. [*Passed October 25.*]

Legislative  
Records of the  
Council, xv.,  
453.

House Jour-  
nal, p. 87.  
*Ante*, p. 441,  
chap. 81.

## CHAPTER 102.

VOTE IMPOWERING SAMUEL WHITE TO EXPEND £50 FOR THE BENEFIT  
OF DAN<sup>L</sup> ADAMS DAUGHTER.

{ WHEREAS Pursuant to an Order of this Court pass'd June 7. 1728. Daniel Adams & others have with the Advice of William Dudley & Samuel White Esq<sup>rs</sup> made Sale of several Tracts of Land late the Estate of the pet<sup>rs</sup> Father Roger Adams sometime since of Brooklyn dec<sup>d</sup>, & have invested the proceeds thereof in other Lands more for the Benefit of the said Daniel Adams, And there being a ballance of fifty Pounds in the hands of the s<sup>d</sup> Sam<sup>l</sup> White, whereof he desires to

Legislative  
Records of the  
Council, xv.,  
453.

House Jour-  
nal, p. 87.  
*Ante*, p. 310,  
chap. 30.

<sup>1</sup> *Sic.*

be discharged, And the s<sup>d</sup> Daniel Adams & others concerned being desirous the same may be laid out for the benefit of his only Daughter, who is now about settling in the World.

*Voted* that the said Samuel White be & hereby is enabled & directed to dispose of the said Ballance for the purchase of such things as may be most for the Benefit of the said Daughter & only Child. [*Passed October 25.*]

## CHAPTER 103.

### VOTE FOR APPREHENDING GYLES DU LAKE TIDMARSH.

Legislative  
Records of the  
Council, xv.,  
453.

House Jour-  
nal, pp. 88, 89,  
*Post*, p. 761,  
chap. 135.

WHEREAS William Brattle Esq<sup>r</sup> a Member of the House hath informed & complained, that he being in the House of Edward Lutwych of Boston Taverner about twelve of the Clock ×<sup>1</sup> this present day was then & there assaulted by Gyles du lake Tidmarsh of Boston, who by force & Arms did assault him the s<sup>d</sup> Brattle for a Speech the said Brattle made this day in the House of Represent<sup>ves</sup> & otherwise abuse, misuse & evilly entreat him, which is a very high Indignity offered as well to this Court as any Member thereof.

*Ordered* that the Sheriffs of the sev<sup>l</sup> Counties within this province, their Under Sheriffs or Deputies or either of them do forthwith apprehend & take into safe Custody the Body of the said Gyles du lake Tidmarsh, if he may be found in their or either of their precincts, & have him before this Court as soon as may be: And in Case he cannot be apprehended during this present Sitting of the Court, but be taken in the Recess thereof, that then he be kept in safe Custody 'till the next Sitting of this Court, unless he give good & sufficient Bond before two of his Majesty's Justices of the Peace for his Appearance. [*Passed October 26.*]

## CHAPTER 104.

### ORDER SUSPENDING A JUDGMENT AGAINST JOSEPH BRANDON.

Legislative  
Records of the  
Council, xv.,  
455.

House Jour-  
nal, pp. 87, 88,  
*Ante*, p. 741,  
chap. 75.

ON THE PETITION of Joseph Brandon [*ante*, p. 741, chap. 75]

*Ordered* that the prayer thereof be so far granted, as that the Execution within referr'd to be suspended untill the Sitting of the Superior Court of Judicature at Boston in & for the County of Suffolk in August next, unless the s<sup>d</sup> Gyles du lake Tidmarsh Executor &c. gives Caution to the Sheriff of the said County to make good to the petitioner so much as he shall recover against him at the said Court in the Review of his own Action for the Ballance of Seventy seven pounds four shillings & eleven pence within mentioned then to be heard & tried. [*Passed October 26.*]

## CHAPTER 105.

### ORDER OF NOTICE ON JOS: STOCKBRIDGE'S PETI<sup>n</sup> TO BRING AN ACTION FOR A WRIT OF REVIEW.

Legislative  
Records of the  
Council, xv.,  
456.

A PETITION of Joseph Stockbridge of Scituate in the County of plimouth, shewing that in an Action depending at the Superior Court

<sup>1</sup> This cross calls attention to the following words in the margin "× pass'd in the House Yesterday." — Legislative Records of the Council, xv., 454.

held in April 1730, between the Petitioner & Job Otis of Scituate aforesaid for possession of a certain Tract of Land, the parties entered into a Rule of Court to refer the Matter to the Determination of certain Gentlemen mutually chosen, which Referrees made their Report of certain Lines & Marks for bounding the Lands of the Parties, but the s<sup>d</sup> Report being formed upon divers Mistakes & Misinformations, Therefore praying that the Pet<sup>r</sup> may be allowed to bring his Writt of Review of the said Action at the next Sup<sup>r</sup> Court for the said County.

House Jour-  
nal, p. 90.

Read &

*Ordered* that the petitioner serve the adverse party with a Copy of the petition, that he shew cause on y<sup>e</sup> first Fryday of the next Sitting of y<sup>e</sup> Court, why the prayer thereof should not be granted, & that the petition be referr'd in the mean time. [*Passed October 27.*]

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## CHAPTER 106.

### ORDER OF NOTICE ON THE MEM<sup>o</sup> OF THE PRESIDENT & FELLOWS OF THE COLLEDGE TO SELL LAND IN ROWLEY.

A MEMORIAL of the President & Fellows of Harvard Colledge, shewing that M<sup>r</sup> Ezekiel Rogers by his last Will devised certain parcells of Land in Rowley for the use of the said Colledge, but being in such small Tracts, they are but little profitable, And therefore praying that they may be impowered to sell the said Lands & invest the produce in other Lands that are more advantageously situated for the use of the said Colledge, to bear the Name of the Donor.

Legislative  
Records of the  
Council, xv.,  
457.

House Jour-  
nal, p. 90.

Read &

*Ordered* that the Memorial be referr'd to the first Thursday of the next Sitting of this Court, And that in the mean time the Memorialists serve the Town & Church of Rowley with a Copy of the Memorial, that they shew cause, if any they have, why the prayer thereof should not be granted. [*Passed October 29.*]

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## CHAPTER 107.

### ORDER APPOINTING A COMMITTEE ON THE AFFAIR OF SCITUATE NORTH PRECINCT.

A PETITION of David Little & others Agents for the North precinct in Scituate, setting forth the unhappy Circumstances of the said Precinct by reason of an Order of this Court prohibiting the Removal of the Meeting House there, & praying that the Court w<sup>d</sup> revoke the said Order, or send a Committee at the Charge of the precinct to inquire into their Affairs, & report what may be proper to be done thereon.

Legislative  
Records of the  
Council, xv.,  
458.

House Jour-  
nal, p. 94.  
*Ante*, p. 570,  
chap. 78; p. 661,  
chap. 29.

In Council, Read &

*Ordered* that Seth Williams & Isaac Lothrop Esq<sup>rs</sup> with such as the Hon<sup>ble</sup> House of Represent<sup>ves</sup> shall join be a Committee to repair to the North precinct in Scituate first notifying as well the petitioners as David Jacobs & others (who petitioned this Court in April 1731, against the Removal of the Meeting house in the said precinct) of the time of their coming, And that they view the s<sup>d</sup> Precinct, & hear the parties on this Affair, & report to this Court at their next Sitting, what they judge proper for this Court to do thereon; The Charge of the Committee to be born by the said precinct.

In the House of Representatives, Read & Concur'd, & Coll<sup>o</sup> Alden, M<sup>r</sup> Benjamin Bird & M<sup>r</sup> Oxenbridge Thacher are joined to the Committee in the Affair. [*Passed October 30.*]

## CHAPTER 108.

Legislative  
Records of the  
Council, xv.,  
458.

House Jour-  
nal, p. 93.  
*Ante*, p. 739,  
chap. 71.

ORDER REFERRING JN<sup>o</sup> HOWLETS PETITION TO THE NEXT SESSION.

ON Y<sup>E</sup> PETITION of John Howlet<sup>1</sup> [*ante*, p. 739, chap. 71]

*Ordered* that this petition be further referr'd to the first Thursday of the next Sitting of this Court, agreeable to the Desire of both parties. [*Passed October 31.*]

## CHAPTER 109.

ORDER ALLOWING £20 TO THE TOWN OF TIVERTON.

Legislative  
Records of the  
Council, xv.,  
458.

House Jour-  
nal, p. 94.  
Province  
Laws, ii., 650.

A PETITION of the Select Men of Tiverton, shewing that whereas the s<sup>d</sup> Town was in the Year 1732, fined twenty Pounds for not sending a Representative, Upon strict Examination they have not that Number of Persons qualified by Law to vote for a Representative that obliges them to chuse a Representative. And therefore praying that the s<sup>d</sup> Fine of twenty pounds may be remitted.

Read &

*Ordered* that the Sum of twenty Pounds paid by the said Town of Tiverton into the publick Treasury the last Year as a fine for not sending a Representative be refunded, & paid to the Town Treasurer of the Town of Tiverton for the use of the said Town. [*Passed October 31.*]

## CHAPTER 110.

ORDER GRANTING FURTHER TIME TO CHRIS: JACOB LAUGHTON FOR LAYING OUT LAND.

Legislative  
Records of the  
Council, xv.,  
459.

House Jour-  
nal, p. 95.  
*Ante*, p. 684,  
chap. 84; p. 696,  
chap. 111.

A PET<sup>n</sup> of Christopher Jacob Laughton for himself, & as Agent for the Town of Suffield, Shewing that he has brought with him a Plat of six Miles square of Land granted by this Court to the proprietors of the said Town, as also a plat of three hundred Acres of Land granted to himself, which were now to be returned for Confirmation, but thro' Mistake he has left behind the Certificates of the Surveyors & Chainmens being sworn. And therefore praying that some further time may be given him for laying the s<sup>d</sup> plats & Certificates before the Court

Read &

*Ordered* that the prayer of the Petition be granted. [*Passed October 31.*]

<sup>1</sup> The House Journal reads, "Howlet;" see also *ante*, p. 739, chap. 71.

## CHAPTER 111.

## ORDER APPOINTING MEASURERS OF GRAIN.

A PETITION of William Speakman & others Bakers in the Town of Boston, shewing that they have been from time to time much injured in the Measure of Wheat & other Grain, & praying that Measurers of Grain may be appointed in the Sea port Towns in the province, to be under Oath for the faithfull Discharge of that Office.

Legislative  
Records of the  
Council, xv.,  
460.

House Jour-  
nal, p. 95.

Read &

*Ordered* that the prayer of the petition be granted & that the pet<sup>rs</sup> have leave to bring in a Bill<sup>1</sup> accordingly. [*Passed October 31.*]

## CHAPTER 112.

ORDER IMPOWERING THE EXECUTORS OF JOHN ELLIOT ESQ<sup>E</sup> TO SELL LAND.

A PETITION of John Elsworth & Mary Elliot Executors of the last Will & Testament of John Elliot late of Windsor in the Colony of Connecticut Esq<sup>r</sup> dec<sup>d</sup> Praying that they may be impowered to make Sale of a peice of Land in Newton within this province lying between M<sup>r</sup> John Springs & M<sup>r</sup> John Cotton's Lands containing about twenty Acres, the produce to be employed in the Education of John Elliot the eldest Son of the said Testator.

Legislative  
Records of the  
Council, xv.,  
460.

House Jour-  
nal, p. 95.

Read & in Answer to this pet<sup>n</sup>

*Ordered* that the prayer thereof be granted, And the petitioners with Coll<sup>r</sup> John Chandler of Worcester (or any two of them) be & hereby are authorized & impowered to make Sale of the said twenty Acres of Land lying in Newton late the Estate of the within named John Elliot Esq<sup>r</sup> for the most the same will fetch, giving thirty days publick Notice thereof before the day of Sale, by posting up Notifications in Newton & the two neighbouring Towns, & in the Town of Cambridge, The proceeds thereof to be put into the hands of such Guardian as shall be appointed over the s<sup>d</sup> John Elliot the Minor, & by the s<sup>d</sup> Guardian or Guardians to be applied & used for the Education of the said Minor, agreeable to the Will of the Father. [*Passed October 31.*]

## CHAPTER 113.

VOTE IMPOWERING JOHN DEATH & JON<sup>A</sup> PLIMPTON AS GUARDIANS TO PUT OUT MONEY AT INTEREST.

A PETITION of John Death<sup>2</sup> & Jonathan Plympton Trustees of Samuel Ompatawenam Natick Indian dec<sup>d</sup> Shewing that they have remaining in their hands of the produce of the Lands of the said Ompetawenam, & by them sold agreeable to the Order of the General Court a Ballance of thirty two pounds fourteen shillings and eight pence, Praying the direction of this Court for the disposition thereof.

Legislative  
Records of the  
Council, xv.,  
460.

House Jour-  
nal, pp. 72, 94.  
*Ante*, p. 391,  
chap. 265.

Read &

*Voted* that the petitioners be & hereby are impowered & directed to let out to Interest the Ballance of the Accompt being thirty two pounds

<sup>1</sup> No record of any such bill has been found.

<sup>2</sup> The House Journal reads, "*John D' Eath.*"

fourteen shillings & eight pence, & the Income thereof together with so much of the principal as they shall think necessary from time to time to be dealt out to Mary Toss Sister & Heir of Samuel Ompetowenem, of which they shall from time to time lay their Accompts before this Court for Confirmation. [*Passed October 31.*]

## CHAPTER 114.

ORDER OF NOTICE ON HENRY WHITTENS 2<sup>d</sup> PETITION FOR LIBERTY TO FILE AN APPEAL AND FOR SUSPENSION OF A JUDGMENT.

Legislative  
Records of the  
Council, xv.,  
461.

House Jour-  
nal, p. 93.

A PETITION of Henry Whitten of Boston Wine Cooper, Shewing that at the Infe<sup>r</sup> Court held at Boston in July last he prosecuted his Action against one William Daniel for the Sum of thirty three pounds twelve shillings & six pence, being justly due to him, & Judgment went against him for Want of proof, From w<sup>ch</sup> he appealed to the last Superior Court of Judicature, but his Attorney (to the petitioners great Surprize) neglected to file his Reasons of Appeal, And the said Daniel has entered his Complaint against y<sup>e</sup> petitioner for not prosecuting his Appeal, which is to be heard at y<sup>e</sup> Adjournm<sup>t</sup> of the said Court in November next, Praying that he may be still admitted to file his Reasons of Appeal, or otherwise relieved.

Read &

*Ordered* that the petitioner serve the adverse party William Daniel or his Attorney with a Copy of this petition, that he shew Cause on the first Thursday of the next Sitting of the Court, why the prayer thereof should not be granted, & that Execution on the Judgment the said William Daniel may recover against the petitioner at the Adjournment of the said Superior Court on his Complaint be suspended in the mean time. [*Passed October 31.*]

## CHAPTER 115.

ORDER ALLOWING £12 FOR EIGHT YEARS TO VINCENT SHUTTLEWORTH.

Legislative  
Records of the  
Council, xv.,  
463.

House Jour-  
nal, pp. 89, 94.  
*Ante*, p. 556,  
chap. 40.

A PETITION of Vincent Shuttleworth of Wrentham, Praying that this Court would settle on him an annual Stipend for his Support in Consideration of his being disabled while in the publick Service from doing anything towards the Maintenance of himself & Family

Read &

*Ordered* that there be an annual Allowance of twelve pounds out of the publick Treasury for eight Years next comming (in Case the pet<sup>r</sup> shall live so long) to be paid to Cpt. Edward Clark of Medway, & by him employed for the Comfort of y<sup>e</sup> petitioner & his Family. [*Passed November 1.*]

## CHAPTER 116.

ORDER ALLOWING £40. 5 TO BENJ<sup>n</sup> CRABTREE.

Legislative  
Records of the  
Council, xv.,  
463.

A PETITION of Benjamin Crabtree of Attleborô Praying to be reimbursed out of the publick Treasury the Charges he has been put to by a pretended Prosecution in the Government of Rhode Island (for a

Riot) occasioned by his levying the publick Taxes on y<sup>e</sup> Inhabitants of Attleboro by express Order of this Court, for w<sup>ch</sup> Execution is out against him.

Read &

*Ordered* that the Sum of forty one pounds five shillings be allowed & paid out of the publick Treasury to the petitioner to reimburse him the Charge he paid by force of y<sup>e</sup> Execution within mentioned & the Loss of his Negro's Service & Copy of the Execution. [*Passed November 1.*]

House Journal, pp. 86, 91.  
*Ante*, p. 651,  
chap. 2.

## CHAPTER 117.

### ORDER FOR MAKING £20,000 IN BILLS OF CREDIT.

*Ordered* that the Committee of this Court appointed to sign the publick Bills of Credit be & hereby are impowered & directed to print off & sign the Sum of Fifteen thousand pounds of Bills of Credit on this province from the plate of the highest denomination, & the Sum of five thousand pounds from the plate of the middle Denomination, making in the whole the Sum of twenty thousand pounds, & when finished to deliver them to the Treasurer taking his Receipt therefor, who is to exchange them for torn & defaced Bills on this province, the Committee to be paid for their Service as for the Bills last made. [*Passed November 1.*]

Legislative  
Records of the  
Council, xv.,  
463.

House Journal, p. 97.  
Province  
Laws, x., 273,  
chap. 331.  
*Ante*, p. 289,  
chap. 177.

## CHAPTER 118.

### VOTE DISCHARGING THE ACCT OF THE TRUSTEES OF THE HASSANAMISCO INDIANS.

AN Accompt presented by Spencer plipps Edw<sup>d</sup> Goddard & Ephraim Curtiss Esq<sup>rs</sup> (Trustees for the Hassanamisco Indians,) of their Receipts & payments for the said Indians since their making up their last Accompt.

Read &

*Voted* that the Accomptants be discharged of the Sum of Eighty five pounds three shillings disbursed on Account & in Service of the Hassanamisco Indians, & that they further accompt to this Court for eighty four pounds ten shillings & eleven pence, the remaining Interest in their Hands, & also the principal Stock of £2,500 belonging to the Hassanamisco Indians, together with the Sum of thirty three pounds belonging to the Orphan Children of Moses Printer deceased, The Sum of two pounds three shillings charged for letting out the last mentioned Sum to be paid out of this Years Interest. [*Passed November 1.*]

Legislative  
Records of the  
Council, xv.,  
463.

House Journal, p. 97.  
*Ante*, p. 343,  
chap. 128;  
p. 599, chap. 46.

## CHAPTER 119.

### VOTE REFERRING TO THE GORE AT ATTLEBORO.

FORASMUCH as the earnest Endeavours of this Government to settle the Line between that part of this province lately the Colony of Plimouth, & the Colony of Rhode-Island have proved ineffectual, & inasmuch as it was agreed & ordered by both Governments that there should be a Suspension of all process as to Rates & Taxes &c to the

Legislative  
Records of the  
Council, xv.,  
464.

House Journal, p. 98.  
Province

Laws, ii., 665,  
chap. 16,  
*Ante*, p. 733,  
chap. 56.

last Wednesday of August last, but not longer in Case there was no Award given in under the Hands & Seals of the Comm<sup>rs</sup> for settling the Line aforesaid, It is therefore

*Ordered* by this Court & the Authority thereof that the Sheriffs & Under Sheriffs of the Counties of Suffolk, Bristol & Worcester be & hereby are required & impowered to take such Aid as they may think necessary to assist them in serving such lawfull Writts on any of the Inhabitants of the said Gore, & also to seize & bring to Justice any that shall oppose them therein, as also that the Constables of the Towns of Attleborô, Wrentham, Mendon & Bellingham be impowered to command all Aid they may think necessary thro' the province for gathering any Taxes according to the Laws of this Province on the Inhabitants of the said Gore; And that all persons be required to aid & assist the Sheriffs, Under Sheriffs & Constables respectively in doing their duty according to this Order in relation to the Inhabitants of s<sup>d</sup> Gore; And in Case any Person or persons shall refuse or neglect to give their Aid & Assistance when required they shall incur & be liable to the same Penalties as when they refuse their Aid to apprehend Criminals, And that the said Sheriffs, Under Sheriffs & Constables respectively be directed & required to pull down & deface all & every Paper or papers put or posted up in said Gore, Setting forth (or by Virtue of) any Authority of y<sup>e</sup> Colony of Rhode Island over the said Gore, And that the said Sheriffs & Under Sheriffs aforesaid be required to arrest all & every Person or Persons who shall presume to serve any Writt on any Person in said Gore, or do any other Act by Virtue of the Authority of Rhode-Island Government & in Oposition to the Authority of this, & him or them shall carry before one of his Majesty's Justices of the Peace, who shall bind him or them over to answer for such Crime before the next Court proper to try the same; And that the Collectors of the Towns of Attleborô, Wrentham, Mendon & Bellingham be strictly enjoined to proceed forthwith in collecting the Rates respectively committed to them in which there may be any Sum or Sums due from any of the Inhabitants of said Gore. [*Passed November 2.*]

## CHAPTER 120.

### ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE HATFIELD BOUNDARY.

Legislative  
Records of the  
Council, xv.,  
465.

House Jour-  
nal, pp. 88, 100.  
*Ante*, p. 722,  
chap. 27.

THE COMMITTEE appointed<sup>1</sup> to hear & consider of the petition from the Town of Hatfeild, having heard the Represent<sup>ves</sup> of the said Town and Hadley, & having the papers in the Case read, & heard the parties by their Agents, do upon the whole report as their unanimous Opinion That the great River Connecticut be the Bounds between the said Towns of Hadley & Hatfeild hereafter, And that the property of any Lands on either Side of the River be in no wise affected thereby.

By Order & in the Name of the Com<sup>tee</sup> SAM<sup>L</sup> THAXTER.

Read &

*Ordered* that this Report be accepted, And that the Bounds between the Towns of Hadley & Hatfeild be & hereby are settled & adjusted accordingly. [*Passed November 2.*]

<sup>1</sup> *Ante*, p. 722, chap. 27.



## CHAPTER 121.

ORDER REFERRING THE MEM<sup>o</sup> OF JOHN ROBINS & JOHN SWEETLAND  
TO THE NEXT SESSION.

A MEMORIAL of John Robins, John Sweetland & others of Attleboro, Setting forth the many Difficulties, Hardships, & Expences they have been put to by reason of their collecting the publick Taxes in the said Town, & their prosecutions from the Govern<sup>mt</sup> of Rhode Island, And praying some Order of this Court for their Relief.

Read &

*Ordered* that this petition be referr'd to the next Sitting of this Court, that so the petitioners may have an Opportunity of proving the particular Facts set forth therein. [*Passed November 2.*]

Legislative  
Records of the  
Council, xv.,  
467.

House Jour-  
nal, pp. 86, 95.  
*Ante*, p. 674,  
chap. 59.

## CHAPTER 122.

ORDER OF NOTICE ON THE PET<sup>n</sup> OF SYLVANUS SNOW & OTHERS.

A PETITION of Silvanus Snow, Eldad Atwood, Ebenezer Atwood, Joseph Brown, Jesse Brown & Samuel Snow all of Eastham, Praying that they & their Families may be released from paying towards y<sup>e</sup> Support of the publick Worship in the precinct of Billingsgate, & may do duty in the South parish in Eastham as they did before the Year 1723.

Read &

*Ordered* that the pet<sup>rs</sup> serve y<sup>e</sup> precinct of Billingsgate with a Copy of y<sup>e</sup> petition that they shew cause on the first Fryday of the next Sitting of the Court why the prayer thereof sh<sup>d</sup> not be granted, & that the petition be referr'd in the mean time. [*Passed November 2.*]

Legislative  
Records of the  
Council, xv.,  
467.

House Jour-  
nal, p. 99.  
Province  
Laws, x., 289,  
chap. 6.

## CHAPTER 123.

ORDER APPOINTING COUNSEL FOR THE DEFENCE OF HENRY JOSLYN.

A MEMORIAL of Henry Joslyn of Attleboro, setting forth his great Charges & Sufferings by reason of a Prosecution from the Government of Rhode Island for doing his duty to this Government in levying publick Taxes, & praying that this Court would provide for his defence & Assistance in a Tryal depending in Rhode Island Government.

Read &

*Ordered* that M<sup>r</sup> Edw<sup>d</sup> Shove be desired to appear for the petitioner in the Action within mentioned, that he use his best Endeavours in the Law for the defence of the petitioner, & that the Petition be referr'd to the next Sitting of the Court for further Consideration. [*Passed November 3.*]

Legislative  
Records of the  
Council, xv.,  
468.

House Jour-  
nal, p. 98.  
*Ante*, p. 640,  
chap. 138.

## CHAPTER 124.

## VOTE ACCEPTING A DRAFT OF A LETTER TO THE AGENT RELATIVE TO THE TAX ON COLONIAL FISHERMEN.

Legislative  
Records of the  
Council, xv.,  
468.

Mass.  
Archives, xlii.,  
428. House  
Journal, p. 103.  
*Ante*, p. 633,  
chap. 104;  
p. 713, chap. 1.

THO<sup>S</sup> HITCHINSON ESQ<sup>R</sup> from the Com<sup>tee</sup> of both Houses on the petition of the Inhabitants of Marblehead & other fishing Towns referring to the Duty for Greenwich Hospital exacted of the Fishermen reported y<sup>e</sup> draught of a Letter to M<sup>r</sup> Agent Wilks on that Subject.

Which was accepted by both Houses & sign'd by the Governor.  
[*Passed November 3.*]

## CHAPTER 125.

ORDER APPOINTING A COM<sup>TEE</sup> FOR SETTLING THE NEW WESTERN TOWNS.

Legislative  
Records of the  
Council, xv.,  
469.

Legislative  
Records of the  
Council, xv.,  
269. House  
Journal, p. 106.  
*Ante*, p. 744,  
chap. 82.

In the House of Represent<sup>ves</sup>  
*Ordered* that M<sup>r</sup> Israel Williams & M<sup>r</sup> Samuel Chandler with such as the Hon<sup>ble</sup> Board shall appoint be a Comm<sup>ee</sup> to admit such persons as they shall think proper to bring forward the Settlement of the new Towns lately granted at Ashuelot & paquoiaq, who shall be subjected to the Conditions made in the said Grant pass'd this Court in the May Session 1732, That the Committee make Report of their doings as soon as may be. In Council Read & Concur'd & Eben<sup>r</sup> Burrill Esq<sup>r</sup> is Joined in y<sup>e</sup> Affair. [*Passed November 6.*]

## CHAPTER 126.

ORDER APPOINTING A COM<sup>TEE</sup> FOR SETTLING THE NEW EASTERN TOWN.

Legislative  
Records of the  
Council, xv.,  
470.

Legislative  
Records of the  
Council, xv.,  
269. House  
Journal, p. 106.  
*Ante*, p. 703,  
chap. 127.

In the House of Represent<sup>ves</sup>  
*Ordered* that Coll<sup>o</sup> Alden & M<sup>r</sup> Richard Milberry with such as the hon<sup>ble</sup> Board shall appoint be a Comm<sup>tee</sup> to admit such persons as they shall think proper to bring forward the Settlement of the new Town lately granted at the head of Berwick in the Com<sup>ty</sup> of York, That the Setlers shall be subjected to the Conditions made in the Grant pass'd this Court in the May Session 1732, That the Com<sup>ee</sup> make Report of their Doings as soon as may be. In Council Read & Concur'd & William pepperil Esq<sup>r</sup> is joined in y<sup>e</sup> Affair. [*Passed November 6.*]

## CHAPTER 127.

VOTE ALLOWING £3,000 TO GOV<sup>R</sup> BURNET'S CHILDREN.

Legislative  
Records of the  
Council, xv.,  
470.

House Jour-  
nal, p. 103.

WHEREAS his late Excellency William Burnet Esq<sup>r</sup> Governor of this province necessarily expended a considerable Sum of Money during his Continuance here, whereby his Childrens Circumstances may not be so comfortable as otherwise they had been, Therefore,

*Voted* that there be & hereby is granted the Sum of three thousand pounds to be paid out of the publick Treasury to Col<sup>o</sup> Jacob Wendell

to be by him repaid to the Exec<sup>rs</sup> of the last Will & Testament of the said Governor Burnet for the use & benefit of his legal Representatives. [*Passed November 6.*]

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## CHAPTER 128.

### VOTE REQUESTING THE DEMOLISHING OF FORT MARY AT WINTER HARBOUR, AND THE ESTABLISHMENT OF A FORT AT PEMAQUID.

IN ANSWER to that part of his Excellency's Message of the first Currant to the House relating to Pemaquid.

*Resolved* that his Excellency the Governor & Captain General be desired if he see Cause to demolish Fort Mary at Winter Harbour, so that it be no longer accounted a Fort, & remove the Officers & Soldiers with all the Artillery & Stores there to pemaquid where the old Fort was.

*Ordered* that thereupon the said Officers & Soldiers shall be retained in the pay of this Government for the Space of three years next coming. [*Passed November 6.*]

Legislative  
Records of the  
Council, xv.,  
470.

Legislative  
Records of the  
Council, xv.,  
462. House  
Journal, p. 106.

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## CHAPTER 129.

### ORDER IMPOWERING HENRY WHITTEN TO CONTINUE AN ACTION FOR A WRIT OF REVIEW.

A PETITION of Henry Whitten of Boston, Wine Cooper, Shewing that in January last he obtained an Order of this Court empowering him to serve his Writ of Review of a Cause between the Petitioner & Thomas & Eliz<sup>a</sup> Falkner of London on William Bollan their Attorney, but being unable to attend the General Court by reason of Sickness he was not apprized of the said Order soon enough to bring his Action to the Sup<sup>r</sup> Court held at Boston in August last & now continued by Adjournment; And the said William Bollan has levied his Execution against the petitioner for the Sum he obtained Judgm<sup>t</sup> for on the Appeal, & has brought his Action of Review of the same Cause to this present Sup<sup>r</sup> Court for augmenting the s<sup>d</sup> Judgment, but has given no Security to refund in Case the pet<sup>r</sup> should have Judgment in his Favour, And therefore praying that the s<sup>d</sup> M<sup>r</sup> Bollan or Cpt. Samuel Cary may be obliged to refund the Money he has paid as aforesaid, or so much as may be recovered on the Review, unless they will swear that they have bonâ Fide paid the same to the said Falkner, & if they so do that they shall not pursue their Review, unless they will give Bond to refund as aforesaid.

Read together with the Answer of M<sup>r</sup> William Bollan And the same being fully considered,

*Ordered* that the prayer of the Petition be granted. [*Passed November 6.*]

Legislative  
Records of the  
Council, xv.,  
459, 470.

House Jour-  
nal, p. 106.  
*Ante*, p. 694,  
chap. 108.

## CHAPTER 130.

ORDER OF NOTICE ON THO<sup>S</sup> DEBUKES PETITION WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council, xv.,  
470.

House Jour-  
nal, pp. 106, 107.  
*Ante*, p. 720,  
chap. 20.

A PETITION of Thomas Debukey of Boston Victualler, Shewing that agreeable to an Order pass'd by this Court in June last on his former petition he served his Writt of Review of an Action between him & John Anderson of Windsor upon Joseph Colton as Attorney to said Anderson, to be tried at Springfield in September last, but the Writt was abated by the Court upon a Plea that the said Colton was not an Attorney to the said Anderson, And therefore praying that Execution on the several Judgments against him may be staid 'till the said Anderson (who is out of the province) yeild himself up to the Process in the Law, And that the Petitioner be then impowered to serve his Writt of Review on the said Anderson.

Read & in answer to this Petition,

*Ordered* that the petitioner serve John Anderson the adverse party with a Copy of the Petition, that he give in his Answer on the first Thursday of the next Sitting of the Court. And that Execution on the Judgment of the Inferior Court at Springfield in August 1732 be staid in the mean time. [*Passed November 6.*]

## CHAPTER 131.

## ORDER IMPOWERING SAMUEL BARDWELL TO SURVEY AND LAY OUT 100 ACRES OF LAND.

Legislative  
Records of the  
Council, xv.,  
472.

Legislative  
Records of the  
Council, xv.,  
402, 420. House  
Journal, p. 107.  
*Ante*, p. 673,  
chap. 58.

A PETITION of Samuel Bardwell of Deerfeild, shewing that he sent in his Claim to the Lands granted to the Narraganset Soldiers, in right of his Father who was in the Narraganset Fight, but his Claim by some Accident miscarried so that he is excluded, & therefore praying a Grant of One hundred Acres of Wast Land lying on Connecticut River between Sunderland & Northfeild.

Read & in Answer to this petition,

*Ordered* that the petitioner have leave by a Surveyor & Chainmen on Oath to survey & lay out One hundred Acres of the Unappropriated Lands of the province at the place petitioned for, & return a plat thereof to this Court within twelve Months for Confirmation. [*Passed November 7.*]

## CHAPTER 132.

## ORDER OF NOTICE ON SAMUEL GRAFTON'S PETITION FOR A WRIT OF REVIEW WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council, xv.,  
473.

House Jour-  
nal, pp. 107, 108.

A PETITION of Samuel Grafton of Boston, shewing that at the last Superior Court for the County of Plimouth, Eben' Morton of Plimouth recovered Judgment against him for the Sum of £40. 13. 6 for which the Pet<sup>r</sup> has brought his Writt of Review. And for asmuch as the said Morton is in very low Circumstances, Praying that the said Money may be stop'd in the Coroners hands 'till the Issue of his Action of Review, or that he may be otherwise relieved.

Read &

*Ordered* that the Pet<sup>r</sup> serve the adverse party with a Copy of this petition, that he shew cause on the first Fryday of the next Sitting of the Court why the prayer thereof should not be granted, & that the Execution within mentioned be staid in the mean time. [*Passed November 7.*]

## CHAPTER 133.

ORDER OF NOTICE ON THE PET<sup>r</sup> OF JOSEPH ELLIS & OTHERS OF DEDHAM PRAYING TO BE RELEASED FROM THE CHARGE OF BUILDING A MEETING HOUSE.

A PETITION of Joseph Ellis & sundry others of the South precinct in Dedham, Shewing that this Court did in June last upon their former Petition, [*ante*, p. 721, chap. 24] order that unless the said Precinct do within the Space of twelve Months build & finish their Meeting House in the place stated by the Committee of the Gen<sup>l</sup> Court the pet<sup>r</sup>s shall be dismissed from the said Precinct with their Families & Estates, since which the said Precinct have at a publick Meeting ordered that the Meeting House be built in another Place, & that Money be raised for that Purpose, And therefore praying that they may be dismiss'd from the said Precinct & not subjected to the said Tax.

Read &

*Ordered* that the South precinct in Dedham be served with a Copy of this petition, that they give Answer thereto on the first Thursday of the next Sitting of this Court, And that the said precinct are forbid levying any Taxes on the pet<sup>r</sup>s for the defraying any Charge towards the building & finishing any Meeting House in other Place than where the Court has ordered in said Precinct, And the Collectors are also hereby ordered to desist in collecting such Rates as have been heretofore levied, And this petition is referr'd to the said time accordingly. [*Passed November 7.*]

Legislative  
Records of the  
Council, xv.,  
473.

House Jour-  
nal, p. 108.  
*Ante*, p. 721,  
chap. 24.

## CHAPTER 134.

ORDER ALLOWING £10 TO M<sup>r</sup> THOMAS PEIRPOINT.

*Ordered* that the Sum of Ten pounds be granted & paid out of the publick Treasury to M<sup>r</sup> Thomas Peirpoint late Chaplain of the Truck-house on St Georges River in Consideration of the necessary Stores purchased to carry him there, Which is agreable to the Usage of this Court in Cases of the like Nature. [*Passed November 8.*]

Legislative  
Records of the  
Council, xv.,  
474.

House Jour-  
nal, p. 108.

## CHAPTER 135.

VOTE OFFERING A REWARD FOR TAKING GYLES DU LAKE TIDMARSH.

WHEREAS Gyles Du lake Tidmarsh who lately assaulted William Brattle Esq<sup>r</sup> (a Member of the House of Represent<sup>ves</sup>) & thereby offered a great Affront & Indignity to this Court, is since fled,

*Voted* that his EXCY be desired to issue forth a Proclamation offering a Reward of fifty Pounds to be paid out of y<sup>e</sup> publick Treasury to the Person or persons y<sup>t</sup> shall apprehend him & bring him to Justice. [*Passed November 8.*]

Legislative  
Records of the  
Council, xv.,  
474.

House Jour-  
nal, p. 109.  
*Ante*, p. 750,  
chap. 103.

## CHAPTER 136.

ORDER ALLOWING £500 TO CPT JN<sup>O</sup> LARRABEE.

Legislative  
Records of the  
Council, xv.,  
474.

House Jour-  
nal, pp. 92, 100.

A PETITION of Cpt. John Larrabee Victualer of the Garrison at his Majesty's Castle William, Setting forth that he has been at extraordinary Expence in purchasing Provisions for the s<sup>d</sup> Garrison for two years & eight Months past for want of a Supply of Money out of the publick Treasury, being obliged to take up a great Sum of Money on Interest, & sometimes for want of ready money to give extravagant Rates for provisions, Praying for some Allowance from this Court for his Loss & Damage herein.

Read & Inasmuch as for two years & eight Months past it has cost the petitioner near about five hundred pounds<sup>1</sup> extraordinary (for want of Money out of the Treasury) in supplying his Majesty's Castle William; Therefore

*Ordered* that there be granted & paid out of the publick Treasury to the petitioner John Larrabee the Sum of five hundred Pounds<sup>1</sup> for Charge & Cost as aforesaid. [*Passed November 8.*]

## CHAPTER 137.

ORDER APPOINTING A COMM<sup>EE</sup> TO INQUIRE AB<sup>T</sup> INDIANS CLAIMS.

Legislative  
Records of the  
Council, xv.,  
474.

House Jour-  
nal, p. 109.

AN ACCOMPT presented by Cpt. Joseph Kellog of the Claims of divers Indians to Lands at Pennicook, and to other Lands on Connecticut River.

[Read and]

*Ordered* that Col<sup>o</sup> Stoddard & Cpt. Israel Williams be desired to make Inquiry into y<sup>e</sup> s<sup>d</sup> Claims, & if they find y<sup>e</sup> Indian Right has not been already conveyed, to report on what Conditions they will accommodate the province with y<sup>e</sup> s<sup>d</sup> Lands. [*Passed November 8.*<sup>2</sup>]

## CHAPTER 138.

ORDER DISCHARGING THE TREASURER OF £28,930. 18. 10 TORN &amp; DEFACED BILLS OF CREDIT BURNT.

Legislative  
Records of the  
Council, xv.,  
480.

House Jour-  
nal, p. 113.  
*Ante*, p. 738,  
chap. 70.

IN OBEDIENCE to an Order of the Great & General Court at their Sitting in October last appointing us the Subscribers a Committee to take Account of Province Bills of Credit that are torn & defaced, We have accordingly received of M<sup>r</sup> Treasurer Allen the several Bills of the denominations in the above Accompt. Amounting to the sum of Twenty eight thousand nine hundred & thirty Pounds eighteen shillings & ten pence All which we have consumed to Ashes: As Witness our Hands

JOHN CHANDLER Jun<sup>r</sup>  
JN<sup>O</sup> WAINWRIGHT  
JOHN CHOAT

SAM<sup>L</sup> WELLS  
CHA. CHURCH  
OXEN. THATCHER

THO. CUSHING  
EZEK. LEWIS  
FRA. FOXCROFT  
JOHN JEFFRIES

Read & Accepted &

<sup>1</sup> The House Journal reads, £600 in both places.

<sup>2</sup> Adjourned to January 24. See Legislative Records of the Council, xv., 475.

*Voted* that M<sup>r</sup> Treasurer Allen be & hereby is discharged of the said sum of Twenty eight thousand nine hundred & thirty Pounds eighteen shillings & ten pence accordingly. [*Passed January 30.*]

## CHAPTER 139.

### ORDER APPOINTING A COMMITTEE ON THE AFFAIR OF MARSHFIELD NORTH INHAB<sup>TS</sup> &c.

ON THE PETITION of Nathaniel Eems<sup>1</sup> & others, Inhabitants of the Northerly Part of Marshfield, [*ante*, p. 726, chap. 36]

Legislative  
Records of the  
Council, xv.,  
480.

In Council; Read together with the Answers of the Town of Marshfield & the South Precinct in Scituate, And the Parties being heard at the Board hereon; And the Matter being fully considered;

House Jour-  
nal, p. 116.  
*Ante*, p. 726,  
chap. 36.

*Ordered* that Samuel Thaxter & Isaac Lothrop Esq<sup>rs</sup> with such as the Hon<sup>ble</sup> House of Represent<sup>ves</sup> shall join be a Committee to repair to the Town of Marshfield, view the same & consider the Circumstances of the Petitioners & the rest of the Town & report to this Court as soon as may be what they judge proper for this Court to do thereon.

In the House of Represent<sup>ves</sup> Read & Concur'd, &

*Ordered* that Abraham Howard Esq<sup>r</sup> M<sup>r</sup> Shove & Cpt. Brown be joined in the Affair. [*Passed January 31.*]

## CHAPTER 140.

### ORDER GRANTING TO SAM<sup>LL</sup> TERREY A JURY TRIAL.

A PETITION of Samuel Terrey of Mendon, Shewing that he was tried before Daniel Taft Esq<sup>r</sup> (one of His Majestys Justices of the Peace for the County of Worcester) upon a Charge of Drunkenness, & by him sentenced as Guilty; from which Sentence he appealed to the Court of General Sessions of the Peace for said County; the Justices of which Court confirmed the said Sentence without putting the Matter to a Jury; & foras much as the Petition<sup>r</sup> is informed he is by Law entitled to the Benefit of a Jury (of which he was ignorant at his Trial,) Therefore Praying for a new Trial by a Jury.

Legislative  
Records of the  
Council, xv.,  
481.

House Jour-  
nal, p. 115.

Read &

*Ordered* that the Prayer of the Petition be granted; & the Justices of the Court of General Sessions of the Peace for the County of Worcester in their next Session are hereby impowered & directed to proceed to a Trial of the Case within mentioned by a Jury on Oath, & enter up Judgment & award Execution accordingly. [*Passed January 31.*]

## CHAPTER 141.

### ORDER IMPOWERING CHELMSFORD & WESTFORD TO ELECT NEW TRUSTEES FOR THEIR PROPORTION OF THE £60,000 LOAN.

A PETITION of the Select men of the Towns of Chelmsford & Westford in the County of Middlesex, Shewing that of the three Trustees chosen by the Town of Chelmsford (from which Westford was taken

Legislative  
Records of the  
Council, xv.,  
481.

<sup>1</sup> The State Library copy, Legislative Records of the Council, xv., 447, reads, "Eames."

House Jour-  
nal, p. 114.  
Province  
Laws, ii., 470,  
chap. 17.

off) for Letting out their Part of the £60,000 Loan, one is dead, & an other incapable of Service, And therefore Praying that they may be enabled by this Court to chuse two other Trustees in such manner as may be most for the Safety of the said Towns.

Read & Forasmuch as one of the three Trustees chosen & appointed by the old Town of Chelmsford is since deceased & an other much impaired, & but one remains who is an Inhabitant of the old Town;

*Voted* that the said old Town of Chelmsford be & hereby is fully authorized & empowered to elect & depute a suitable Person lawfully qualified (in the room of the impaired Trustee) to be one of the Trustees for the managing old Chelmsfords Part of the said Sixty thousand Pounds Loan according to the Law for emitting the same. And the Town of Westford is also authorized & empowered to elect & depute one other suitable Person lawfully qualified (in the room of the Dec<sup>d</sup> Trustee) to be one of the Trustees for managing of said Part of said Loan, Which two Trustees are to join the other remaining Trustee; And that for the future old Chelmsford shall be empowered to chuse two Trustees, & Westford the other as occasion may require on the Death, Removal or Incapacity of any one before chosen; And such Trustees shall have as full Power & Authority to manage the said Loan as the first Trustees had that were chosen by Chelmsford old Town. [*Passed January 31.*]

## CHAPTER 142.

### ORDER IMPOWERING DANIEL RUSSEL ESQ<sup>R</sup> TO FURNISH A BOAT FOR THE LIGHT HOUSE.

Legislative  
Records of the  
Council, xv.,  
482.

House Jour-  
nal, pp. 113, 116.

A PETITION of Robert Ball Keeper of the Lighthouse, Shewing that the said Light house & Dwelling house & Wharves belonging thereto are very much out of repair & Praying that this Court would give Order for repairing the same; & further Setting forth that on the 11<sup>th</sup> Instant he piloted out the Ship Mahetabel having the Light house Boat in Tow, fastened by two Hawsters to the Ship, notwithstanding which she got loose, & drove out to Sea with a Canoe of the Petition<sup>r</sup>s & some of his Cloathing Bedding & Stores which were all lost; & therefore Praying that this Court would give Order for building a new Boat & reimburse him his Losses & Charges.

Read & In answer to this Memorial,

*Ordered* that Daniel Russel Esq<sup>r</sup> Impost Officer be & hereby is empowered with all convenient speed to contract for a new Light house Boat of thirty feet by the Keel & of a proportionable breadth & depth well fitted with Sails & Tackle convenient, at the Charge of the Province, & when built & finished deliver her to the said Robert Ball for the Use of the Light House; And in consideration of the Memorialists losing his Canoe, Cloaths, Bedding & Stores when the Province Boat was lost, that the sum of Ten Pounds be granted & paid him out of the publick Treasury (in satisfaction thereof) out of the Money in the Treasurers Hands; and that the Impost Officer be further empowered & directed to hire a Boat for the Use of the Light house as reasonably as he can till a new Boat can be built & fit for Service. [*Passed January 31.*]



## CHAPTER 143.

ORDER OF NOTICE ON THE PETITION OF JOHN HAZLETON & OTHERS  
FOR A NEW TOWNSHIP.

A PETITION of John Hasleton & others Inhabitants of Out Lands belonging to the Towns of Mendon, Uxbridge, Sutton & Hopkinton, Setting forth their great difficulties in attending upon the publick Worship of God in the Towns to which they belong, & that they have applied to their respective Towns to be dismissed from them in order to their being erected into a separate Township; to which Sutton & Hopkinton have consented but Mendon & Uxbridge have delayed giving them an Answer; And therefore Praying that this Court would erect the Petition<sup>rs</sup> with their Families & Estates into a separate Township.

Legislative  
Records of the  
Council, xv.,  
482.

House Jour-  
nal, p. 114.

Read &

*Ordered* that the Petition be refer'd to the second Tuesday of the next May Session, & that in the mean time the Petition<sup>rs</sup> serve the Towns of Mendon & Uxbridge with Copies of this Petition, that they then shew Cause, if any they have why the Prayer thereof should not be granted. [*Passed January 31.*]

## CHAPTER 144.

ORDER APPOINTING A COMMITTEE ON THE AFFAIR OF THE SOUTH  
PRECINCT IN DEDHAM.

ON THE PETITION of Joseph Ellis & others, Inhabitants of the South Precinct, in Dedham, [*ante*, p. 761, chap. 133]

In Council; Read together with the Answer of the Agents of the South Precinct in Dedham & the Petition of Michael Dwight & others, &

*Ordered* that Samuel Thaxter & William Dudley Esq<sup>rs</sup> with such as shall be joined by the Hon<sup>ble</sup> House of Represent<sup>ves</sup> be a Committee to repair to the South Precinct in Dedham, & hear the several Parties & consider the whole matter as contained in the s<sup>d</sup> Petitions & Answer & report as soon as may be what they judge proper for this Court to do thereon: In the House of Represent<sup>ves</sup> Read & Concur'd, & M<sup>r</sup> Choat & Ezra Bourn & Joseph Mason Esq<sup>rs</sup> are joined with the Committee. [*Passed February 1.*]

Legislative  
Records of the  
Council, xv.,  
484.

House Jour-  
nal, p. 116.  
*Ante*, p. 761,  
chap. 133.  
Province  
Laws, xii., 23,  
chap. 41.

## CHAPTER 145.

ORDER IMPOWERING NATH<sup>l</sup> SOUTHWORTH TO SELL LAND.

A PETITION of Nathaniel Southworth of Middleborô in the County of Plymouth, Shewing that one David Pachusus of said Place Indian lately died seized of a Piece of Land in Middleborô aforesaid, & of another Piece of Land in Little Compton in the County of Bristol, that by his last Will & Testam<sup>t</sup> he appointed the petition<sup>r</sup> his Executor & impowered him to sell the s<sup>d</sup> Lands for the payment of his just Debts,

Legislative  
Records of the  
Council, xv.,  
484.

House Jour-  
nal, pp. 117, 118.  
Province  
Laws, ii., 151,  
chap. 10.

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is February 5.

which were considerable by reason of the long sickness whereof he died, And Praying that the Petition<sup>r</sup> may have the Authority of this Court for his selling the said Lands for the Use aforesaid.

Read &

*Ordered* that the Prayer of the Petition be granted, & the Petitioner is hereby allowed & impowered to make sale of one half of the Testators Lot of Land in Middleborô, & also his half of the twenty Acre Lot in Little Compton for the most the same will fetch & to give & execute in due form of Law a Deed or Deeds of Conveyance for the same; & in the sale thereof to proceed according to the directions of the Act of this Province made in the sixth Year of His late Majesty King George Chap. 3<sup>d</sup> respecting the posting up Notifications of the sale of Lands; & that the Petitioner give Caution to the Judge of Probate for the County of Plymouth to pay off the Testators Debts & Funeral Charges &c according to his Will, out of the Proceeds of the Sale of the said Lands. [*Passed February 5.*]

## CHAPTER 146.

### ORDER IMPOWERING JOS. STOCKBRIDGE TO BRING FORWARD A WRIT OF REVIEW.

Legislative  
Records of the  
Council, xv.,  
484.

House Jour-  
nal, p. 118.  
*Ante*, p. 750,  
chap. 105.

ON THE PETITION of Joseph Stockbridge [*ante*, p. 750, chap. 105]

In Council; Read together with the Answer of Job Otis; And the Parties being heard at the Board & the Matter fully considered.

*Ordered* that the Prayer of the Petition be granted, & that the Petitioner be & hereby is enabled to bring his Writ of Review of the Cause above mentioned at the Superior Court of Judicature next to be holden at Plymouth for the County of Plymouth; & the Justices of the said Court are hereby impowered & directed to hear & determine the said Action accordingly

In the House of Represent<sup>ves</sup> Read & the Parties being fully heard in the House & the Matter maturely considered:

*Voted* a Concurrence with the Hon<sup>ble</sup> Board thereon. [*Passed February 5.*]

## CHAPTER 147.

### ORDER REFERRING THE PETITION OF THE NORTH<sup>LY</sup> INHAB'S OF BILLERICA TO THE NEXT SESSION.

Legislative  
Records of the  
Council, xv.,  
485.

House Jour-  
nal, p. 120.  
*Infra*, chap.  
148.

A PETITION of the Inhabitants of the Northerly & North Easterly Parts of the Town of Billerica, Shewing that they have applied to the said Town for their Consent to their being set off a separate Township; which they have Voted, but with such Conditions as are uncertain & render the Matter very inconvenient to the Petitioners; And therefore Praying that this Court would erect the Northerly & North Easterly Part of the Town of Billerica, together with the Land on the Easterly Side of Shawshin River into a Township or appoint a Committee to view the said Lands and consider the Petitioners Circumstances & make report thereon.

Read &

*Ordered* that the Petition be refer'd to the next Sitting of the Court for Consideration. [*Passed February 6.*]

## CHAPTER 148.

ORDER OF NOTICE ON THE PETITION OF THE INHAB<sup>TS</sup> ON THE EAST SIDE OF SHAWSHIN RIVER TO BE ANNEXED TO THE TOWN OF WILMINGTON.

A PETITION of the Inhabitants of the Lands on the East side of Shawshin River, Praying that they may be set off from the Town of Billerica & annexed to the Town of Wilmington.

Legislative  
Records of the  
Council, xv.,  
486.

House Jour-  
nal, p. 120.  
*Supra*, chap.  
147.

Read &

*Ordered* that the Petition be refer'd to the next Sitting of the Court, & that in the mean time the Petitioners serve the Town of Billerica with a Copy of the Petition, that they shew Cause on the first Day of the said Sitting why the Prayer thereof should not be granted. [*Passed February 6.*]

## CHAPTER 149.

ORDER CONFIRMING THE ELECTION OF ASSESSORS OF THE WEST PRECINCT IN YARMOUTH.

A PETITION of Shubal Baxter Esq<sup>r</sup> & others Agents for the West Precinct in Yarmouth, Shewing that in the Years 1730, 1731, & 1732 the said Precinct chose certain Persons as a Committee for the Precinct, & the same Persons as Assessors, who took their Oaths accordingly, but the Clerk neglected to enter the Choice of Assessors, that the said Assessors assessed a Tax on the Inhabitants for defraying the Precinct Charges for those Years but by reason of the said Clerks Omission the Constables to whom the said Tax was committed refuse to collect it; & therefore Praying the Order of this Court for confirming the said Assessin<sup>ts</sup> & for obliging the Constables to collect & pay in the same.

Legislative  
Records of the  
Council, xv.,  
487.

House Jour-  
nal, p. 121.

Read &

*Ordered* that the Prayer of the Petition be granted, And the Assessments made by the Committee of the West Precinct in Yarmouth for the three Years within mentioned; viz, the Years 1730, 1731, & 1732, be & hereby are declared to be good & valid, And the Constables or Collectors of the said Assessments are hereby also directed respectively & required at their Peril to receive what of their Assessments are behind & collected, & what they have received or shall receive by force of the Warrants on the Lists of Assessment committed to them as aforesaid, to pay in to the Precinct Treasurer, Agreeable to their Warrants. [*Passed February 7.*]

## CHAPTER 150.

ORDER IMPOWERING JOHN CHOAT TO SURVEY AND LAY OUT 250 ACRES OF LAND.

A PETITION of M<sup>r</sup> John Choat, one of the Committee for North Yarmouth, Shewing that he has spent much Time & made many Journeys in the service of the said Town for which they are not able to make him any Satisfaction, their Lands being already divided, & they incapable to raise the Money necessary to defray the Charges of the s<sup>d</sup>

Legislative  
Records of the  
Council, xv.,  
488.

House Jour-  
nal, p. 124.

Place And therefore Praying for a Grant of Two hundred & fifty Acres of the Province Land lying within the Township of Methuen.

Read &

*Ordered* that the Prayer of the Petition be granted, & the Petition<sup>r</sup> is hereby allowed & impowered by a Survey<sup>r</sup> & Chain men on Oath to survey & lay out Two hundred & fifty Acres of the unappropriated Lands of the Province in the Township of Methuen in one Piece, if so much be together, if not to be taken up in two Pieces, and return a Plat to this Court within twelve months for Confirmation. [*Passed February 8.*]

## CHAPTER 151.

ORDER DIRECTING THE COMMITTEE ON SALES OF THE PROVINCE LANDS IN SHREWSBURY TO PAY THE PROCEEDS THEREOF INTO THE PROVINCE TREASURY.

Legislative  
Records of the  
Council, xv.,  
489.

House Jour-  
nal, p. 125.  
Province  
Laws, x., 50,  
chap. 110.

WHEREAS a Committee of this Court were appointed in the Year 1717, to sell some Province Lands lying in the Township of Shrewsbury & to pay into the Province Treasury such sums of Money as shall be by them received: & the said Lands having been some time since disposed of, & the Money not yet paid into the Province Treasury:

*Ordered* that the said Committee do forthwith cause the whole Produce of the Sale of those Lands in said Township to be paid into the Province Treasury, taking the Treasurers Receipt therefor & return the same to this Court in their next Session. [*Passed February 8.*]<sup>1</sup>

## CHAPTER 152.

ORDER ERECTING PENNICOOK PLANTATION INTO A TOWNSHIP.

Legislative  
Records of the  
Council, xv.,  
489.

Legislative  
Records of the  
Council, xv.,  
489. House  
Journal,  
pp. 125, 126.  
Province  
Laws, ii., 697,  
chap. 10  
*Ante*, p. 643,  
chap. 110.

THE COMMITTEE appointed to consider the within Petition of Henry Rolfe Esq<sup>r</sup> [*ante*, p. 643, chap. 146] report thereon as follows: viz,

That it appearing to the said Committee that the several Grantees of the Lands at the Plantation called Penicook have fully complied with all the Articles & Conditions as expressed in the Courts Grant respecting the settlement of their several Lots Are therefore of Opinion that they be allowed to bring in a Bill as prayed for in the said Petition: All which is humbly submitted.

By Order of the Committee

Tno. CURMING.

Read & Accepted, &

*Ordered* that the Petitioners have leave to bring in a Bill accordingly.<sup>2</sup> [*Passed February 9.*]

## CHAPTER 153.

ORDER OF NOTICE ON THE PETITION OF DIVERS INHAB<sup>TS</sup> OF PLYMPTON PEMBROKE & MIDDLEBORO TO BE ERECTED INTO A TOWNSHIP.

Legislative  
Records of the  
Council, xv.,  
490.

A PETITION of Samuel Sturtivant & others Inhabitants of the Northernly Part of the North Precinct in Plympton, of the Northernly Part of

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is February 9.

<sup>2</sup> The town was called "Rumford."

the East Precinct in Middleborô, & of the Southerly Part of the Town of Pembroke Shewing their distance from the Places of publick Worship in the Towns to which they respectively belong, & the Inconveniences they are under for attending their Civil & Military Duties in said Places; & that they have petitioned their several Towns for a dismission, but without effect as to any but Pembroke, And therefore Praying for the Order of this Court to set them off & erect them into a separate Township.

Read &

*Ordered* that the Petition<sup>rs</sup> serve the Towns of Plimpton & Middleborô, also the first Precincts in Plimpton & Middleborô with Copies of this Petition, that so they may shew Cause on the second Fryday of the next May Session why the Prayer thereof should not be granted; And the Petition is refer'd accordingly. [*Passed February 11.*]

House Journal, p. 126.  
Province Laws, xii., 14, chap. 18.

## CHAPTER 154.

### ORDER CONFIRMING A PLAT OF TWO TOWNSHIPS FOR THE NARRAGANSET SOLDIERS.

PLATS were presented by a Committee of the General Court of two Townships for the Narraganset Soldiers, contiguous to each other, lying between Saco River & Pesumpscot River, each of the Contents of six Miles square with an Allowance to that next Saco River of thirteen hundred Acres for Ponds & of seven hundred Acres formerly granted to Hill & others and with an Allowance to that next Pesumpscot River of twelve hundred Acres for Ponds, & of Five hundred Acres formerly granted to Tyng & others; Which Tracts are bounded as follows; viz, Beginning at Saco River at the Head of Biddeford, & running North East by the Needle twelve Miles by the Heads of Biddeford, Scarborough & Falmouth till it comes to Pesumpscot River, & then bounded by Pesumpscot River, & running up the same till it makes seven miles & one quarter of a Mile on a strait Course North 33°. 00' West; then running nine miles & fifty rods South West till it comes to Saco River, & then bounding South Westerly by Saco River till it comes to the Head of Biddeford aforesaid; the dividing Line between the two Townships, begins on the Line next on the Head of the Townships seven miles & one quarter of a Mile to the North East of Saco River & runs North 33°. 00' West by the Needle, & extends seven miles and one Quarter of a Mile.

Read &

*Ordered* that these Plans be accepted, & that the Lands set forth in the Plat Number One<sup>1</sup> be and hereby are confirmed unto One hundred & twenty of the Original Grantees, their Heirs & Assigns; viz, that Society of them of which Philemon Dane & others were appointed a Committee for regulating Ipswich Society &c so called at a General Meeting of the Grantees in Boston, the the the<sup>2</sup> sixth of June last, as by the Grantees Votes & Orders may appear; Provided the Plat contains no more than the Contents of six miles square of the unappropriated Land (exclusive of the former Grants & Allowances within mentioned) & that it does not interfere with any former Grant. [*Passed February 11.*]

Legislative Records of the Council, xv., 490.

House Journal, p. 51 (June, 1732); p. 126. *Ante*, p. 673, chap. 58. *Infra*, chap. 155.

<sup>1</sup> This afterwards became Buxton, Maine.

<sup>2</sup> *Sic.*

## CHAPTER 155.

ORDER CONFIRMING A PLAT OF A NARRAGANSET TOWN N<sup>o</sup> 7.

Legislative  
Records of the  
Council, xv.,  
491.

House Jour-  
nal, p. 51  
(June, 1732);  
p. 127. *Ante*,  
p. 673; chap.  
58. *Supra*,  
chap. 154.

*Ordered* that the Lands set forth & described in the Plat Number Seven be & hereby are confirmed unto One hundred & twenty of the Original Grantees their Heirs & Assign; viz, that Society of them of which Shubal Gorham Esq<sup>r</sup> & others were appointed a Committee for regulating the said Township Number Seven<sup>1</sup> so called, at a general Meeting of the Grantees at Boston the sixth of June last, as by the Grantees Votes & Orders may appear, Provided the Plat contains no more than the Contents of six miles square of the unappropriated Lands (Exclusive of the former Grants & Allowances within mentioned) & that it does not interfere with any former Grant. [*Passed February 11.*]

## CHAPTER 156.

## VOTE IMPOWERING THE PROPRIETORS OF NEW MEDFIELD TO LEVY AND COLLECT ASSESSMENTS.

Legislative  
Records of the  
Council, xv.,  
491.

House Jour-  
nal, p. 128.  
*Ante*, p. 427,  
chap. 51.

A PETITION of Joshua Morse in behalf of the Proprietors of the Plantation called New Medfield in the County of Worcester, Shewing that they have been at great Charge for building a Meeting house & other things to the Amount of £545 & other Charges are arising, that divers of the Proprietors refuse to pay their proportion of the said Expences; And therefore Praying that this Court would enable the Petitioners to levy the necessary Charges arising in the said Place on the Proprietors.

Read & In answer to this Petition,

*Voted* that the whole Debt & Charges that hath already arisen or shall arise in the Plantation of New Medfield (so called) lying in the County of Worcester shall be levied & assessed in equal parts & proportions on all the Allotments & Rights originally granted to & among them selves; And the said Propriet<sup>rs</sup> are hereby fully authorized & impowered to make such Assessments on themselves & also to chuse one or more Collector or Collectors to gather & pay in such Assessments, who are also hereby required to do their Duty herein; & in Case of Non Payment by any of the Propriet<sup>rs</sup> for thirty days next after the Assessment shall be made & posted up in some publick Place in the said Plantation of New Medfield, the Collector or Collectors for the Time being chosen as aforesaid, or the Major Part of them shall have full Power & are hereby directed to sell to the highest Bidder so much of the Land belonging to the Right or Allotm<sup>t</sup> where the Neglect is as shall satisfy said Assessment & necessary Charges, the Overplus, if any there be, to be returned to the Proprietors, the Collector or Collectors having before posted up the intended Sale for thirty days in some publick Place in the s<sup>d</sup> Plantation of New Medfield. [*Passed February 12.*]

<sup>1</sup> This afterwards became Gorham, Maine.

## CHAPTER 157.

VOTE FOR REVISING THE SURVEY OF LAND FOR THE CAMBRIDGE  
GRAMMAR SCHOOL.

A PETITION of William Brattle Esq<sup>r</sup> Represent<sup>ve</sup> of the Town of Cambridge Shewing that whereas this Court were pleased to confirm a Grant of One thousand Acres of Land for the Use of the School in said Town it happened thro' the Mistake of the Survey<sup>r</sup> that the Plat thereof takes in One hundred Acres belonging to the Town of Townshend; And therefore Praying that an Equivalent may be allowed for the same.

Read & In answer to this Petition,

*Voted* that the Town of Cambridge be allowed to revise the Plat & Survey of One thousand Acres of Land lately confirmed to the said Town for the Use & Benefit of the Grammar School there, And so much thereof as shall be found to infringe on the Town of Townshend, they are hereby impowered by a Survey<sup>r</sup> & Chain men on Oath to lay out of the Province Land lying contiguous to the remaining Part of the Grant for the Use aforesaid, & return a Plat thereof to this Court within twelve months for Confirmation. [*Passed February 12.*]

Legislative  
Records of the  
Council, xv.,  
492.

Maps and  
Plans, Mis.,  
viii., 33, 34.  
House Jour-  
nal, p. 129.  
*Ante*, p. 740,  
chap. 73.

## CHAPTER 158.

ORDER ALLOWING £20 TO ROB<sup>t</sup> WILSON.

A PETITION of Robert Wilson, Shewing that while he was a Soldier in His Majestys Service at Richmond Fort he received a dangerous Wound in his Leg which has rendered him a Cripple & unable to support himself by his Labour, that it is above three Years since he has had any Relief from this Court, And therefore Praying for some Allowance to be made him for his Support out of the publick Treasury.

Read &

*Ordered* that the sum of Twenty Pounds be granted & paid out of the publick Treasury to be put into the Hands of M<sup>r</sup> Thomas Cushing Jun<sup>r</sup> to be used & disposed for the Petitioners Relief in purchasing Cloaths & other Necessaries as in his Discretion he shall find the Petitioner may stand in Need thereof. [*Passed February 12.*]

Legislative  
Records of the  
Council, xv.,  
492.

House Jour-  
nal, p. 127.  
*Ante*, p. 556,  
chap. 41.

## CHAPTER 159.

ORDER CONFIRMING A PLAT OF A NARRAGANSET TOWN N<sup>o</sup> 6.

A PLAT of a Township for the Narraganset Soldiers Bounded South Westerly on the Township granted to Cpt. Lovels Soldiers, South Easterly mostly on Rutland & partly on the Narraganset Township Number, Two by Wachusets, North Easterly partly on said Township, & partly on unappropriated Lands, & partly on the new Township laid out on Millers River; beginning at Rutland Northerly Corner, & running North 39 Deg. West by the Needle, three hundred & ten perch to a Hemlock; from thence West 18 Deg. North three hundred & forty perch to a white Pine, from thence North 34 Deg. West, one thousand two hundred & eighty perch (to the said Province Town;) from thence

Legislative  
Records of the  
Council, xv.,  
492. Maps and  
Plans, Mis.,  
vii., 28.

Maps and  
Plans, Mis.,  
vii., 28. House  
Journal, p. 51  
(June, 1732);  
pp. 129, 130.  
*Ante*, p. 673,  
chap. 58. *Infra*,  
chap. 160.

South three hundred Perch to a White Pine; from thence, eight hundred & sixty perch to a Beach Tree, the North Easterly Corner of the said Town granted to Cpt. Lovels Soldiers; from thence South 34 Deg. East, one thousand eight hundred & twenty four perch to an heap of Stones in Rutland Line; from thence East 30 Deg North to the Place where it began, being the Contents of six miles square & an Allowance of Three hundred Acres for the Mine Farm (so called) & one hundred Acres for a Pond in said Tract

Read &

*Ordered* That the plat be Accepted, And that the Lands Set forth and described in the within plat of the Naraganset Township Number Six<sup>1</sup> (exclusive of the Mine Farm so called) be and hereby are confirmed unto One hundred and twenty of the Original Grantees their heirs and assigns, viz<sup>t</sup> that society of them of which M<sup>r</sup> samuel Chandler and others were Appointed a Committee for regulating the said township Number Six So Called, at a General Meeting of the Grantees in Boston the Sixth of June last as by their Votes and Orders may Appear, provided the plat contains no more than the quantity of Land within mentioned. & that it does not interfere with any former Grant. [*Passed February 12.*]

## CHAPTER 160.

### ORDER CONFIRMING A PLAT OF A TOWN N<sup>o</sup> 5 FOR THE NARRAGANSET SOLDIERS.

Legislative  
Records of the  
Council, xv.,  
493.

House Jour-  
nal, p. 51  
(June, 1732);  
p. 129. *Ante*,  
p. 673, chap.  
58. *Supra*,  
chap. 159.

A PLAT of a Township for the Narraganset Soldiers being a Tract of Land lying on Merrimack & Sohegan Rivers, of the Quantity of six miles square with five hundred Acres allowed for poor Land & Benjamin Smiths Farm; Being bounded as follows; viz. Beginning at a Pitch Pine Tree on the North Side of Sohegan River five miles from Merrimack, as said Sohegan River runs; & running North six miles to the Township formerly laid out to the Narraganset Soldiers to a Heap of Stones; then running West on said Township one mile & eighty two rods to a Beach Marked; then running North one mile & two hundred & sixty rods on Province Lands to a White Pine Tree, which is the South West Corner of the second Township for the Narraganset Soldiers on Merrimack; then running on said second Township East, six miles & one hundred & ten rods to Merrimack River, nine miles above the Mouth of Sohegan River as Merrimack runs, & so running up Merrimack River to Sohegan River, & from thence along Sohegan River to y<sup>e</sup> Bounds first mentioned.

Read &

*Ordered* that the Plat be accepted, & that the Lands set forth & described in the within Plat of the Narraganset Township Number Five<sup>2</sup> (Exclusive of Benjamin Smiths Grant) be & hereby are confirmed unto one hundred & twenty of the Original Grantees, their Heirs & Assigns; viz, that Society of them of which Coll. Thomas Tilestone & others were appointed a Committee for regulating said Township Number Five, so called, at a general Meeting of the Grantees in Boston the sixth of June last, as by their Votes & Orders may appear; Provided the Plat contains no more than the Quantity of Land within mentioned & that it does not interfere with any former Grant. [*Passed February 12.*]

<sup>1</sup> This afterwards became Templeton.

<sup>2</sup> This afterwards became Bedford, New Hampshire.



## CHAPTER 161.

## ORDER ACCEPTING THE COMMITTEES REPORT ON THE AFFAIR OF THE GORE.

THE COMMITTEE to whom was refer'd the Petition of John Robins & others relating to the Controversy about the Gore, are humbly of Opinion that as the said Robins & others have acted by Order of this Court, they ought to be supported & indemnified, & accordingly that there be granted to John Robins £107. 6 to John Sweetland £77. 19. 7 to Timothy Tingley £23. 7. 3 to Benjamin Crabtree £22. 18. 7 to Benjamin Slack £54. 14 Amounting in the whole to Two hundred & eighty six Pounds five shillings & five pence; to be paid to Coll. Charles Church, & by him to be repaid to the Persons to whom it is respectively due; but in case the Fines be remitted by the Govern<sup>t</sup> of Rhoad Island, then so much thereof to be returned into the Treasury; And that all Persons, more particularly the Constables of Attleborô, Wrentham, Bellingham & Mendon be directed to proceed speedily according to the Resolve or Order of this Court of the first Day of October<sup>1</sup> last relating to the said Gore; And that the Govern<sup>t</sup> of Rhoad Island be earnestly pressed to remit the Penalties & Charges laid upon John Robins & others by the Courts in said Govern<sup>t</sup> of Rhoad Island for what they have done in Obedience to the Orders of this Court; And also that the Hon<sup>ble</sup> the Govern<sup>r</sup> of Rhoad Island be written to in the Name of this Court in Answer to his Letter of the fourteenth of December, in the Tenour of a Letter herewith presented.

By Order of the Committee

W<sup>M</sup> DUDLEY.

Read &amp;

*Ordered* that this Report be Accepted. [*Passed February 12.*]Legislative  
Records of the  
Council, xv.,  
494.Legislative  
Records of the  
Council, xv.,  
480. House  
Journal,  
pp. 114, 131.  
*Ante*, p. 754,  
chap. 116;  
p. 755, chap.  
119; p. 757,  
chap. 121.

## CHAPTER 162.

ORDER OF NOTICE ON THE PETITION OF JA. TISDALES EXECUT<sup>RS</sup> FOR FURTHER TIME.

A PETITION of Nathaniel Fitch & others, Exeutors of the last Will of James Tisdale late of Dighton in the County of Bristol Dec<sup>d</sup> Shewing that Timothy Lindal Esq<sup>r</sup> & James Varney Administ<sup>rs</sup> of the Estate of John Farewell at an Inferior Court of Common Pleas held at Bristol for said County in October 1725, recovered Judgment against the said James Tisdale for the Possession of seven Acres of Salt Marsh in Dighton aforesaid; From which Judgement the said Tisdale appealed to the Superior Court of Judicature next holden for the said County; but thro' the neglect of the Person he employed, failed of filing his Reasons of Appeal, by which means the said Judgment was affirmed at the said Court, so that the Petitioners are without remedy in the Law; And therefore Praying that they may be allowed to file their Reasons of Appeal in the said Cause, & that it may be tried at the next Superior Court of Judicature for the said County.

Timothy Lindall Esq<sup>r</sup> appearing before the Board, & Praying for further Time in Order to procure necessary Papers;

It is therefore

*Ordered* that the Consideration of this Petition be refer'd to the sec-Legislative  
Records of the  
Council, xv.,  
485, 495.House Jour-  
nal, p. 133.  
Province  
Laws, xii., 19,  
chap. 28.<sup>1</sup> *Quare*, November? See the House Journal, p. 132, and *ante*, p. 755, chap. 119.

and Tuesday of the next Sitting of this Court, & that the said Timothy Lindall notify the Petition<sup>rs</sup> of this Order & then give in his Answer. [*Passed February 13.*<sup>1</sup>]

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## CHAPTER 163.

### ORDER OF NOTICE ON HEN. WHITTENS PETITION FOR FURTHER TIME AND STAY OF EXECUTION.

Legislative  
Records of the  
Council, xv.,  
495.

House Jour-  
nal, p. 133.  
*Ante*, p. 754,  
chap. 114.

A PETITION of Henry Whitten of Boston Wine Cooper Shewing that he is informed that this Court decline to pass upon his former Petition referring to William Daniel, because the said Daniel was not served with a Copy but his Attorney only; And forasmuch as that Service was agreeable to the Order of the Court, Praying that the Court would now proceed on the said Petition, or give him further Time to serve the said Daniel & stay the Execution in the mean time.

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the Petition<sup>rs</sup> former Petition (above mentioned) be refer'd to the first Tuesday of the next May Session, & that in the mean time the Petition<sup>r</sup> serve William Daniel with a Copy thereof, that so he may then shew cause why the Prayer of the Petition sh<sup>d</sup> not be granted, & that Execution of the Judgment against the Petitioner be suspended in the mean Time. [*Passed February 13.*]

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## CHAPTER 164.

### ORDER APPOINTING A COMMITTEE ON THE BOUNDARIES OF THE FIRST PRECINCT IN ROXBURY.

Legislative  
Records of the  
Council, xv.,  
483, 496.

House Jour-  
nal, pp. 115, 133.  
*Ante*, p. 734,  
chap. 59.

A PETITION of the Agents for the first Precinct in Roxbury, Shewing that whereas this Court were pleased in August last to erect the West-erly Part of said Town into a Precinct according to the bounds contained in a Petition of Joseph Weld & others exhibited in the Year 1706, the said first Precinct desired the new Precinct to join with them in settling the dividing Line between them, but they, instead of complying with this request have run the Line by them selves, which is very different from the Bounds allowed them by this Court, & have taxed divers families which belong to the first Precinct And therefore Praying that the Committee of this Court who reported on the Petition of the said West-erly Part of Roxbury in August last may take the whole matter into further consideration that so the Line may be finally determined according to the Order of this Court in August last.

In Council; Read, (the West Precinct in Roxbury not having given in their Answer;) &

*Ordered* that Samuel Thaxter & Francis Foxcroft Esq<sup>rs</sup> with such as shall be joined by the Hon<sup>ble</sup> House of Repres<sup>tes</sup> be a Committee to repair to the Town of Roxbury & view the same, & hear the Parties to this Petition, & thereupon to ascertain the Bounds of the West Precinct, agreeable to the Order of this Court pass'd in August last for constituting the said Precinct; Report thereof to be made to this Court as soon as may be, & the Charge of the Committee to be born by the

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is February 12.

Town of Roxbury: In the House of Represent<sup>ves</sup> Read & Concur'd, And

*Ordered* that M<sup>r</sup> Wells, M<sup>r</sup> Choat & Coll Alden be added to the Committee. [*Passed February 13.*]

## CHAPTER 165.

ORDER ALLOWING JOS. DWIGHT ESQ<sup>r</sup> THREE YEARS FOR THE SETTLEMENT OF HIS TRUST AS GUARDIAN.

A PETITION of Joseph Dwight Esq<sup>r</sup> Gaurdian to Josiah, Simeon & Elisha Dwight Sons of Henry Dwight Esq<sup>r</sup> Dec<sup>d</sup> (being Minors) Shewing that this Court Confirmed<sup>1</sup> to Seth Dwight another Son of the s<sup>d</sup> Henry Dwight One Hundred & Twenty Acres of Land in the Town of Brimfeild for Services the s<sup>d</sup> Henry Dwight had done for the s<sup>d</sup> Town, upon Condition the s<sup>d</sup> Grantee Settled the s<sup>d</sup> Land within a limited Time that the s<sup>d</sup> Henry purchased the s<sup>d</sup> Land of his Son & by his last Will bequeathed it to the s<sup>d</sup> Minors who are not capable of performing the s<sup>d</sup> Condition, And therefore praying that this Court would make the said Grant absolute & take off the s<sup>d</sup> Conditions Read &

*Ordered* that the Prayer of the Petition be so far granted as that the Petitioner be & hereby is allowed the space of three years for the settlement of the Lot of Land within mentioned. [*Passed February 14.*]

## CHAPTER 166.

ORDER OF NOTICE ON THO. DEBUKES PETITION FOR LEAVE TO REVIEW AN ACTION.

A PETITION of Thomas Debuke of Boston Victualler, Shewing that thro' some Disappointm<sup>ts</sup> he failed of serving John Anderson with a Copy of his former Petition, [*ante*, p. 702, chap. 126] & Praying that this Court would grant him Relief in the Matter therein contained.

Read &

*Ordered* that the Petitioner serve John Anderson the adverse Party with a Copy of the Petition that he give in his Answer on the first Thursday of the next May Session, And that Execution of the Judgment of the Inferior Court at Springfield in August 1732, be staid in the meantime. [*Passed February 14.*]

## CHAPTER 167.

ORDER ACCEPTING A PLAT OF A TOWNSHIP AT PAQUOIAG.

A PLAT of Twenty three thousand & sixty Acres of Land for a Township in the County of Hampshire, laid out by Timothy Dwight Esq<sup>r</sup> & M<sup>r</sup> William Chandler by Order of the General Court in October last, situate South East from Northfield, Including the Land of Paquoiag; Beginning at a Pitch Pine Tree standing on a Knowl or Hillock about twenty perch from a large Brook called the Great Brook on the West

Legislative  
Records of the  
Council, xv.,  
406, 406.

House Jour-  
nal, pp. 29, 137.

Legislative  
Records of the  
Council, xv.,  
497.

House Jour-  
nal, p. 138.  
*Ante*, p. 702,  
chap. 126.

Legislative  
Records of the  
Council, xv.,  
497. Maps  
and Plans,  
Mis., viii., 4.

Maps and  
Plans, Mis.,

<sup>1</sup> The House Journal states "that this Court *Anno* 1731. granted", but no further record of the fact has been found.

viii., 4 bis.  
House Jour-  
nal, p. 132.  
*Ante*, p. 744,  
chap. 82; p. 758,  
chap. 125.

side of Paquoig Hill Marked South  $\frac{O}{N}$  & North with three Cuts with an Ax East with the Letters *WC* & West *ND*, & from the said Pitch Pine Tree running as described in the Plat.

Read &

*Ordered* that the within plat be Accepted. [*Passed February 14.*]

## CHAPTER 168.

ORDER IMPOWERING THE NOTTINGHAM ASSESSORS TO LEVY & COLLECT A TAX OF TWO PENCE PER ACRE, TO DEFRAY THE EXPENSE OF BUILDING A MEETING HOUSE.

Legislative  
Records of the  
Council, xv.,  
497.

House Jour-  
nal, p. 134.

A PETITION of Robert Fletcher & Zachens Lovel a Committee for the Town of Nottingham, Shewing that the said Town in its Infant state is unable to support the Ministry in the usual way, And forasmuch as there are considerable Quantities of unimproved Land belonging to the Non resident Proprietors which are daily rising in their value, lying in the said Town, Therefore Praying that the said Lands may be taxed at the rate of Three pence per Acre for three years for the support of the Ministry there.

Read & In answer to this Petition,

*Ordered* that the Assessors of the Town Nottingham for the time being for three years next ensuing be & hereby are authorized & empowered to lay a Tax of Two pence per Acre per Annum for the said Term on all the Lands lying & being in the Township of Nottingham belonging to the Non resident Proprietors, And the Constables or Collectors of said Town for said Term are also empowered & directed to collect said Tax & pay the same into the Town Treasury; which is to be applied for defraying the Charge of building the Meeting house & supporting the Minister of said Town, And the said Lands are hereby subjected to pay the s<sup>d</sup> Tax accordingly. [*Passed February 14.*]

## CHAPTER 169.

ORDER OF NOTICE ON THE PETITION OF BENJ<sup>A</sup> STONE & OTHERS PRAYING TO BE ERECTED INTO A PRECINCT.

Legislative  
Records of the  
Council, xv.,  
498.

House Jour-  
nal, p. 136.

A PETITION of Benjamin Stone & others Inhabitants of the Town of Concord, Setting forth the great distance they are at from the Place of publick Worship in said Town & Praying that they may be erected into a separate Precinct by the Bounds stated in the Petition.

Read &

*Ordered* that the Petitioners serve the Town of Concord with a Copy of the Petition, that they shew cause on the first Tuesday of the next May Session why the Prayer thereof sh<sup>d</sup> not be granted, & that the Petition be refer'd in the mean time accordingly. [*Passed February 14.*]

## CHAPTER 170.

### ORDER OF NOTICE ON THE PETITION OF EDWARD WINSLOW ESQ<sup>R</sup> PRAYING FOR STAY OF EXECUTION.

A PETITION of Edward Winslow Esq<sup>r</sup> Sheriff of the County of Suffolk, Shewing that Ezekiel Carver, recovered Judgment of him at the Superior Court of Judicature for the County of Suffolk held in August last for the sum of £36. 14. 6 & Costs for an Escape, that the Petition<sup>r</sup> hath entered his Action of Review of the said Cause at the Superior Court now sitting in Boston; And forasmuch as the Petitioner is apprehensive that he may lose the benefit he may obtain on the Review in case an Execution be served on him, Therefore Praying that the Coroner of the County of Suffolk & his Deputy may be directed not to serve the s<sup>d</sup> Execution until the Issue of the Cause on the Review.

Read &

*Ordered* that the Petitioner forthwith serve the adverse Party with a Copy of the Petition that so he shew cause To Morrow Afternoon why the Prayer thereof should not be granted. [*Passed February 14.*]

Legislative  
Records of the  
Council, xv.,  
498.

House Jour-  
nal, pp. 135, 136.

## CHAPTER 171.

### ORDER ACCEPTING THE COMMITTEES REPORT ABOUT SCITUATE MEET- ING HOUSE.

SETH WILLIAMS ESQ<sup>R</sup> from the Committee of both Houses on the Petition of David Little & others Agents for the North Precinct in Scituate [*ante*, p. 751, chap. 107] gave in the following Report; viz,

The Committee having viewed the Precinct & considered the Pleas & Allegations of the Parties relating to the Meeting house, are of Opinion that the Meeting house remain where it now stands until June 1737, & then the same be removed from thence about one mile & a quarter Westward to the Place where the Inhabitants of the said Precinct voted to remove the same Mar. 17. 1729; & in the mean time the necessary repairs of the said House be effected & the Cost thereof with all other Charges that have arisen on account of this Controversy relating to the said Meeting house be paid by the Precinct aforesaid.

By Order of the Committee,

SETH WILLIAMS

Read &

*Ordered* that this Report be accepted. [*Passed February 14.*<sup>1</sup>]

Legislative  
Records of the  
Council, xv.,  
518.

House Jour-  
nal, p. 135.  
*Ante*, p. 751,  
chap. 107.

## CHAPTER 172.

### ORDER IMPOWERING THE PRESIDENT AND FELLOWS OF HARVARD COLLEGE TO MAKE A SALE OF LAND IN ROWLEY.

ON THE MEMORIAL of the President & Fellows of Harvard College, [*ante*, p. 751, chap. 106]

Read together with the Votes of the Town & Church of Rowley, &

*Ordered* that the Prayer of this Memorial be granted, And the

Legislative  
Records of the  
Council, xv.,  
499.

House Jour-  
nal, p. 139.

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is March 4.

*Ante*, p. 751,  
chap. 106.

Memorialists are accordingly impowered to make & execute a good & sufficient Deed or Deeds in the Law for Conveyance of the Lands before mentioned, & with the Produce thereof to purchase other Lands for the Use of Harvard College that are more commodiously situated; which Lands shall bear the Name of the Rev<sup>d</sup> M<sup>r</sup> Ezekiel Rogers within mentioned. [*Passed February 15.*<sup>1</sup>]

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## CHAPTER 173.

### ORDER ALLOWING £70 TO W<sup>m</sup> SHIRLEY ESQ<sup>r</sup>.

Legislative  
Records of the  
Council, xv.,  
500.

House Jour-  
nal, pp. 92, 93,  
138. *Ante*,  
p. 671, chap. 53.

A PETITION of William Shirley Esq<sup>r</sup> Shewing that in pursuance of the Order of this Court, he assisted the Palatines as Attorney at Law in several Causes against Cpt. Jacob Lobb in the Courts for the Counties of Bristol Barnstable & Dukes County; & therefore Praying the Allowance of his Accompt of Expence & Service, Amounting to One hundred & eight Pounds.

Read &

*Ordered* that the sum of Seventy Pounds be allowed & paid out of the publick Treasury to the said William Shirley Esq<sup>r</sup> in full discharge of the Services within mentioned. [*Passed February 15.*]

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## CHAPTER 174.

### ORDER ACCEPTING A PLAT OF A NEW TOWN ABOVE BERWICK.

Legislative  
Records of the  
Council, xv.,  
500.

House Jour-  
nal, p. 132.  
*Ante*, p. 703,  
chap. 127;  
p. 758, chap.  
126.

A PLAT of a Township<sup>2</sup> laid out according to the Order of this Court by William Pepperil Esq<sup>r</sup> & others, Beginning at the lowest Stair Falls at the Head of Berwick, & running by the River, eight Poles above the Ising Glass Falls; then Northeast & by East, five miles & one hundred & twenty Poles; then Southeast & by South, six miles & forty Poles; then Southwest & by West to the first Period; Bounded on the Southwestward by Salmon Fall or Newitchawannoek River, & on the South Eastw<sup>d</sup> by the Head of Berwick & on the other two sides by Province Lands, containing six miles square, & an Allowance for Fifteen hundred Acres of Land formerly laid out to M<sup>r</sup> Cook.

Read &

*Ordered* that this Plan be accepted. [*Passed February 16.*]

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## CHAPTER 175.

### ORDER IMPOWERING MYRICK & RANDALS PETITION AS GUARDIANS TO SELL LAND.

Legislative  
Records of the  
Council, xv.,  
501.

House Jour-  
nal, pp. 137, 140.  
Province  
Laws, ii., 151,  
chap. 10.

A PETITION of Samuel Myrick of Newtown (Guardian of John Chamberlain, & Elisabeth Chamberlain Minors) & of William Randall of Boston & Hannah his Wife (Guardian of Philip Chamberlain) Shewing that the said Minors hold a small Part of a House & of two Pieces of Land, one in Newtown, & the other in Brooklyn which at present are of little benefit to them, but might sell for something considerable;

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is February 14.

<sup>2</sup> This became Lebanon, Maine. See Maps and Plans (1794). x., 22.

And therefore Praying for Liberty from this Court to make Sale of the same for the Benefit of the said Minors.

Read &

*Ordered* that the Prayer of the Petition be granted; And the said Guardians are hereby allowed & impowered to join in the Sale of the Minors Parts of the Housing & Lands within mentioned, & in proceeding in the said Sale to observe the Method directed to in the Act of this Province of the sixth Year of His late Majesty King George Chap. 3<sup>d</sup> as Executors and Administ<sup>rs</sup> are obliged to, when they make Sale of any real Estate by Licence from the Superior Court; & that the Guardians give sufficient Caution to the Judge of Probate for the County of Middlesex to be accountable for the Minors Part of the Proceeds of the Sale; which is to be let out at Interest & paid them as they arrive at Age or Marriage. [*Passed February 16.*]

## CHAPTER 176.

ORDER IMPOWERING SEVER & WEBSTER TO GIVE BOND AND BRING FORWARD THEIR APPEAL.

A PETITION of Thomas Sever & Elisabeth his Wife, & Thomas Webster & Mary his Wife (which Elisabeth & Mary are only Daughters & Heirs at Law of Benjamin Greely late of Haverhill in the County of Essex Dec<sup>d</sup>) Shewing that their Grand father Andrew Greely of Salisbury in the said County died seized of a considerable Estate within the County, that Letters of Administration were granted to Philip his eldest Son in the Year 1703, but no legal settlement was made of the said Estate to this Day, that the Petitioners petitioned the Judge of Probates for said County for Letters of Administration de Bonis Non &c of the said Estate; which the said Judge on the second Day of October last denied to grant; From which Denial they appealed to the Governor & Council, but thro' their Ignorance of the Law, neglected to give Bond to prosecute their Appeal in due Season; And therefore Praying that they may now be enabled to give Bond & take the Benefit of their Appeal.

Read &

*Ordered* that the Petition<sup>rs</sup> serve the adverse Party with a Copy of the Petition, that they shew cause on the first Fryday of the next Sitting of the Court, why the Prayer thereof should not be granted. [*Passed February 19.*]

Legislative  
Records of the  
Council, xv.,  
502.

House Jour-  
nal, p. 145.

## CHAPTER 177.

ORDER CONFIRMING LANDS TO Y<sup>e</sup> SOUTH PRECINCT IN HADLEY.

A PETITION of the Inhabitants & Proprietors of the South Precinct in Hadley, Shewing that this Court were pleased to grant a Tract of Land to be added to the Precinct in Novem<sup>r</sup> 1727, Provided there be forty Families settled on said Land within five years & a learned orthodox Minister settled amongst them, but thro' many disappointments they lapsed the time of performing the said Conditions, but have at last accomplished them; And therefore Praying that the said Land may be confirmed to them in such proportions as is particularly set forth in the Petition.

Read &

Legislative  
Records of the  
Council, xv.,  
503.

House Jour-  
nal, p. 141.  
*Ante*, p. 243,  
chap. 56.

*Ordered* that the Prayer of the Petition be granted & the said Lands are accordingly confirmed to the Persons within mentioned & in such proportions as is agreed on by the said Precinct at their Meeting the seventh of January last. [*Passed February 19.*]

## CHAPTER 178.

### ORDER ALLOWING £5. 10 TO JAMES JONES JUN<sup>R</sup>.

Legislative  
Records of the  
Council, xv.,  
505.

House Jour-  
nal, pp. 136, 137,  
140.

A PETITION of James Jones Jun<sup>r</sup> of Weston, Shewing that in May last at Sheepscot in the Eastern Parts, while he was at work abroad, the Woods being on fire, the House where he had left his Cloaths & other things was burnt down, & among other things divers Bills of Credit on this Province belonging to him, Amounting to the value of Five Pounds ten shillings were consumed to ashes, Praying that he may be allowed the like Value of Bills out of the publick Treasury.

Read &

*Ordered* that the sum of Five Pounds ten shillings be granted out of the publick Treasury to M<sup>r</sup> Ebenezer Allen for the Use of the Petitioner James Jones Jun<sup>r</sup> in consideration of the like Value of Bills of Credit of this Province he lost which were consumed in the Flames at the Time his House was burnt. [*Passed February 19.*]

## CHAPTER 179.

### ORDER INSTRUCTING THE COMMITTEE ABOUT THE REPAIRS AT CASTLE WILLIAM.

Legislative  
Records of the  
Council, xv.,  
505.

Legislative  
Records of the  
Council, xv.,  
477, 486.  
House Jour-  
nal, pp. 146, 147.  
*Infra*, chap.  
180.

THAT THE REPAIRS of His Majestys Castle William may be effected in the cheapest & most prudent manner,

*Ordered* that the Committee to be appointed to see the Repairs of Castle William effected pay off all the Notes & Accompts for Labour & Materials in said Repairs in Bills of Credit on this Province, & that the Receipts thereof shall express that they are so made. [*Passed February 20.*]

## CHAPTER 180.

### VOTE ELECTING THE COMMITTEE FOR CASTLE WILLIAM.

Legislative  
Records of the  
Council, xv.,  
506.

Legislative  
Records of the  
Council, xv.,  
506 *quater*.  
House Jour-  
nal, p. 149.  
*Supra*, chap.  
179.

THE TWO HOUSES proceeded this Morning according to order to the Choice of a Committee to see the repairs at Castle William effected

And the Hon<sup>ble</sup> Spencer Phips Esq<sup>r</sup> John Quincy Esq<sup>r</sup> & M<sup>r</sup> Benjamin Bird were chosen for that service by the Major Vote of both Houses.

To which Election His Excellency sign'd his Consent. [*Passed February 21.*]



## CHAPTER 181.

ORDER CONFIRMING A PLAT OF 50 ACRES OF LAND TO BENJA<sup>A</sup> SMITH.

A PLAT of fifty Acres of Land laid out on Merrimack River, to fulfill a Grant made to Benjamin Smith by the General Court in June 1733, being two Islands, one containing fourteen Acres & thirteen rods, the other four Acres & eighteen rods; & thirty one Acres & twenty nine Rods of Land on the Westerly side of Merrimack River, Bounded as follows; Beginning at an Ash Tree mark'd on the side of the River and running West 40°. 30', North (on Province Land) fifty three rods to a Pitch Pine Tree mark'd; then running on Province Lands thirty five rods North 29°. 30', East to a Pitch Pine Tree mark'd; then running on Province Lands sixty nine rods East, 40°. 30'. Minutes North to a Stake; then running twenty rods East 26°. 30'. South on Province Land to Merrimack River to a Pitch Pine mark'd; then running on the River to the Ash Tree where it began.

Read and

*Ordered* That the plat be Accepted and that the Lands therein delineated and described be and hereby are confirmed to the said Benjamin Smith his Heirs and Assigns for Ever, provided it does not exceed the quantity of Fifty Acres, and does not interfere with any former Grant. [*Passed February 21.*]

Legislative  
Records of the  
Council, xv.,  
506. Maps and  
Plans, Mis.,  
vii., 33.

Maps and  
Plans, Mis.,  
vii., 33 *ter.*  
House Jour-  
nal, pp. 149, 150.  
*Ante*, p. 723,  
chap. 29.

## CHAPTER 182.

## ORDER CONFIRMING A PLAT OF TWO TOWNSHIPS ON ASHUELET RIVER.

A PLAT of two Townships, each of the Contents of six miles square laid out by William Chandler & Nath<sup>l</sup> Dwight by Order of this Court situate on each side of Ashuelet River above the Tract of Land lately granted to Coll Josiah Willard & others; beginning at a Spruce or White Pine Tree standing about Mid way between the South & East Branches of said Ashuelet River, about five perch East of the Bank of the Main River marked West thus  $\Delta$  & East with three Chops with an Ax, & from thence running each way as described in the Plat.

Read &

*Ordered* that the Plat be and hereby is accepted; And the Lands contained in the said two Townships are declared to ly in & be accounted as Part of the County of Hampshire henceforward. [*Passed February 21.*]

Legislative  
Records of the  
Council, xv.,  
507.

House Jour-  
nal, p. 150.  
*Ante*, p. 744,  
chap. 82; p. 758,  
chap. 125.

## CHAPTER 183.

## 1 ORDER OF NOTICE ON BRAINTRY PETITION ABOUT BOUNDARY LINES.

A PETITION of the Select men of the Town of Braintree, Shewing that they have notified the Select men of the Town of Abington within the County of Plymouth (which borders on Braintree) to perambulate the Dividing Line between them, which they refuse to do: And there fore Praying for the Order of this Court to oblige the said Select men of Abington (or said Town) to conform to the Settlem<sup>t</sup> of the Line of Two Miles run & marked out by Samuel Thaxter Esq<sup>r</sup> in the year

Legislative  
Records of the  
Council, xv.,  
510.

House Jour-  
nal, p. 150.  
Province  
Laws, x., 692,  
chap. 319.

1725 by Order of this Court or that Braintree may be otherwise relieved

Read &

*Ordered* that the Petitioners seasonably serve the Select men of Abingdon with a Copy of this Petition & Order that they make answer thereto, if they see cause on the first Thursday of the next Sitting of the Court. [*Passed February 21.*<sup>1</sup>

## CHAPTER 184.

### ORDER FOR LAYING THREE NEW TOWNS TO THE COUNTY OF WORCESTER.

Legislative  
Records of the  
Council, xv.,  
507.

House Jour-  
nal, p. 149.  
*Ante*, p. 378,  
chap. 228;  
p. 726, chap.  
37; p. 775,  
chap. 167.

WHEREAS the new Town lately granted to Jeremiah Perley, John Bennet & others Voluntiers under the late Cpt. Lovel & Cpt. White, adjoining to Rutland, Also<sup>2</sup> the Narraganset Town Number Two, & the new Town at Paquoig on Millers River are not at present within the bounds of any particular County but ly most accomodable to be added to the County of Worcester; It is therefore DECLARED by this Court & by the Authority thereof that the said three Towns be & hereby are laid to, & for the future shall be accounted as Part of of<sup>3</sup> the County of Worcester to all Intents & Purposes whatsoever. [*Passed February 22.*<sup>4</sup>

## CHAPTER 185.

### VOTE FOR APPREHENDING JON<sup>A</sup> SPRAGUE ESQ<sup>R</sup> &c.

Legislative  
Records of the  
Council, xv.,  
508.

House Jour-  
nal, p. 132.  
*Ante*, p. 660,  
chap. 28.

This Court being informed that Jonathan Sprague of Smithfield in the County of Providence in the Colony of Rhoad Island Esq<sup>r</sup> for some years last past has been issuing Warrants & giving forth Orders to be executed in the Township of Attleborô within the County of Bristol with respect to the Inhabitants of the said Town, their Estates, Rates & Taxes without any Authority for so doing, greatly disturbing His Majestys Peace in said Town & County stirring up sedition in some & greatly oppressing others of the Inhabitants of the said Town, & in great Contempt of the Authority of this Governm<sup>t</sup> over all the Lands & Inhabitants of the said Town of Attleborô: For the better safety & protection of the Inhabitants of any of the Towns of Attleborô, Wrentham, Mendon & Bellingham;

*Voted* that His Excellency the Governor be desired to issue out a Proclamation directed to & empowering all Persons whatsoever, but more especially to all Sheriffs, Under Sheriffs or Constables for apprehending the said Jonathan Sprague or any other Person or Persons who shall hereafter presume to issue out such Warrant or Warrants or issue forth such Orders or execute the same within any of the said Towns, & bringing him or them before any of His Majestys Justices of the Peace within the said Province in order to his being proceeded with as to Justice shall appertain: And as an Encouragem<sup>t</sup> & Reward

<sup>1</sup> This date is according to the House Journal; according to Legislative Records of the Council the date is February 23.

<sup>2</sup> The House Journal here adds, "*the Narragansett Town called Number Six, adjoining to the Voluntier Town and Rutland, and.*"

<sup>3</sup> *Sic.*

<sup>4</sup> The State Library copy, Legislative Records of the Council, xv., 469, gives this under date of February 20.

to the Person or Persons that shall apprehend & bring said Sprague or any other Person presuming to exercise Authority as afore said to Justice, That the sum of Fifty Pounds be allowed & paid to him or them out of the publick Treasury. [*Passed February 22.*]

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## CHAPTER 186.

### ORDER FOR A LAW BOOK FOR THE TOWN OF SHEFFIELD.

*Ordered* that M<sup>r</sup> Benjamin Elliot be desired to deliver to M<sup>r</sup> Thomas Ingersol for the Use of the Town of Sheffield one of the Province Law Books at the publick Charge. [*Passed February 22.*]

Legislative  
Records of the  
Council, xv.,  
508.  
House Jour-  
nal, p. 151.

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## CHAPTER 187.

### ORDER ALLOWING £8 TO W<sup>m</sup> RICHARDSON.

A PETITION of William Richardson of Lancaster, Shewing that in May 1732 he had the Misfortune to lose his Dwelling house & much of his Substance by Fire, & among other things the sum of Eight Pounds in Bills of Credit on this Province, which were consumed to Ashes (to which he hath made Oath;) And therefore Praying that the like Sum may be allowed him out of the publick Treasury.

Legislative  
Records of the  
Council, xv.,  
508.  
House Jour-  
nal, p. 151.

Read &

*Ordered* that the Prayer of the Petition be granted, & that accordingly the Sum of Eight Pounds be granted & paid out of the publick Treasury to the Petitioner to make good to him the Loss of that Value of the Bills of publick Credit on this Province he sustained when his House was burned. [*Passed February 22.*]

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## CHAPTER 188.

### ORDER OF NOTICE ON ROGER & BENJ<sup>a</sup> CARERYS PETITION TO BRING AN APPEAL WITH STAY OF EXECUTION.

A PETITION of Roger Carery & Benjamin Carery, Shewing that they contracted with one David Hayward of Ashford in the Colony of Connecticut for a Tract of Land there; for which they paid part of the Money in hand, & gave their Bond for Five hundred Pounds, the Condition of which was, that he sh<sup>d</sup> procure them a good & lawful Deed of the said Land, which he has never performed, but has sued the Petitioner Roger upon his Bond, & lies concealed in the Colony of Connecticut, so that they cannot come to serve any Writ or Summons upon him: And therefore Praying that their Reading an original Summons to John Read Esq<sup>r</sup> Attorney to the said Hayward may be allowed to be a good Service, & that Execution on any Judgment that the said Hayward may obtain on his Writ may be staid in the mean time.

Legislative  
Records of the  
Council, xv.,  
509.  
House Jour-  
nal, p. 151.

Read &

*Ordered* that the Petitioner forthwith serve John Read Esq<sup>r</sup> Attorney to the said David Hayward with a Copy of this Petition, that he shew Cause on Thursday next if the Court be then sitting, if not on the first Thursday of their next Sitting, why the Prayer thereof sh<sup>d</sup> not be

granted, & that Execution on the Judgment which may be obtained against the Petitioner Roger on the Action now depending in the Superior Court now sitting at Boston for y<sup>e</sup> County of Suffolk be suspended in y<sup>e</sup> mean time. [*Passed February 22.*]

## CHAPTER 189.

### VOTE ACCEPTING THE TREASURERS ACCT<sup>T</sup> OF Y<sup>E</sup> INDIAN TRADE FOR THE YEAR 1731.

Legislative  
Records of the  
Council, xv.,  
509.

AN ACCOMPT presented by Jeremiah Allen Esq<sup>r</sup> of the Truck Trade with the Eastern & Western Indians, Beginning in May 1731.

Read & Accepted &

House Jour-  
nal, p. 147.  
*Infra*, chap.  
190.

*Voted* that M<sup>r</sup> Treasurer Allen be & hereby is declared to be accountable for the Ballance of this Accompt being Eleven thousand nine hundred fifty three Pounds two shillings & nine pence. [*Passed February 22.*]

## CHAPTER 190.

### VOTE ACCEPTING THE TREASURERS ACCT<sup>T</sup> OF INDIAN TRADE FOR THE YEAR 1732.

Legislative  
Records of the  
Council, xv.,  
509.

AN ACCOMPT presented by Jeremiah Allen Esq<sup>r</sup> of the Truck Trade with the Eastern & Western Indians, Beginning in May 1732.

Read & Accepted, &

House Jour-  
nal, p. 147.  
*Supra*, chap.  
189.

*Voted* that M<sup>r</sup> Treasurer Allen be & hereby is declared to be accountable for the Ballance of this Accompt, being Ten thousand five hundred fifty six Pounds eight shillings & nine pence. [*Passed February 22.*]

## CHAPTER 191.

### ORDER ALLOWING £130. 6 TO THE SELECTMEN OF EDGAR TOWN.

Legislative  
Records of the  
Council, xv.,  
510.

A PETITION of the Selectmen of the Town of Edgar Town on Marthas Vineyard, Praying that they may be reimbursed the Charge they have been at in supporting a great number of poor Palatines brought in by Cpt. Jacob Lob, Amounting to the sum of £130. 6.

Read &

House Jour-  
nal, pp. 150, 152.  
*Ante*, p. 671,  
chap. 54.

*Ordered* that the sum of One hundred & thirty Pounds six shillings be granted & paid out of the publick Treasury to M<sup>r</sup> Philip Bongarden Attorney to the Petitioners to be by him paid to whom it is respectively due in full discharge thereof. [*Passed February 23.*]

## CHAPTER 192.

### ORDER OF NOTICE ON ALDEN BASS'S PETITION RELATIVE TO A LOST WILL.

Legislative  
Records of the  
Council, xv.,  
511.

A PETITION of Alden Bass of Boston Wharfinger, Shewing that his Father Joseph Bass of Boston died some months since, leaving behind a Will, wherein he appointed the Petitioner & his Brother Joseph

Executors, & devised a considerable Part of his Estate to the Petitioner, that the said Will was read in the presence of all the Testators Children & then taken into the Custody of the Executor Joseph Bass, & is now concealed or destroyed; And altho the Judge of Probate for the County of Suffolk has strictly examined all the Parties, he can make no Discovery of the said Will; and forasmuch as the Petition<sup>r</sup> is like to be greatly injured in his just right by this wicked practice; Therefore Praying that the Judge of Probate alone (or others to be joined with him) may be empowered to examine all Persons suspected upon Oath touching the said Will, & upon collecting what is known thereof, to prove & allow the same; or that the Petition<sup>r</sup> may be otherwise relieved in y<sup>e</sup> Premises.

Read &

*Ordered* that the Petition<sup>r</sup> forthwith serve the adverse Parties with a Copy of this Petition that so they may make answer thereto on Thursday the twenty eighth Currant. [*Passed February 26.*]

House Journal, p. 154.

## CHAPTER 193.

### ORDER CONFIRMING A PLAT OF NARRAGANSET TOWNSHIP N<sup>o</sup> FOUR.

A PLAT of a Township for the Narraganset Soldiers of the Contents of six miles square, & fifty acres allowed for the Fishery at Ameskeag Falls, & Three thousand & twenty acres for poor land & Ponds; the whole being 26,160 Acres; Beginning at a Pitch Pine Tree standing on the Westerly side of Merrimack River at the foot of Hannakooksy Falls being on Suncook Line, & running on Suncook Township four miles West 17°. 00' South to a white Pine Tree being the South west Corner of Suncook, then running West, four miles & forty rods on a Township on the West of Suncook & Penicook laid out for the Narraganset Soldiers to a Heap of Stones, & then running South, five miles & one hundred & forty rods on Province Lands to a white Pine Tree, being the North west Corner of the said Narraganset Township on Merrimack River, & then running on said Township six miles & one hundred & ten rods to Merrimack River, then on Merrimack as said River runs eight miles & one Hundred & forty five rods, to the Pitch Pine Tree where it first began.

Read &

*Ordered* that the Plat be accepted, & that the Lands set forth & described in the within Plat of the Township Number Four<sup>1</sup> be & hereby are confirmed unto One hundred & twenty of the original Grantees their Heirs & Assigns; viz, that Society of them, of which M<sup>r</sup> Edward Shove & others were appointed a Committee for regulating the said Township Number Four, so called, at a general Meeting of the Narraganset Grantees in Boston the sixth of June last, as by the Grantees Votes & Orders may appear, Provided the Plat contains no more than the quantity of Land within mentioned; & that there be reserved a Quantity of Land at the Fishing Place at or near Ameskeag Falls, as may be thought by this Court convenient for the respective Inhabitants of the Province for taking, making & packing of Fish there, Provided the Land so to be separated for the publick & common Use of the Fishery on the West side of the River, exceeds not the Quantity of One Hundred Acres, exclusive of the Fifty Acres allowed as within mentioned, Provided also that it does not interfere with any former Grant. [*Passed February 26.*]

Legislative Records of the Council, xv., 512.

Maps and Plans, Mis., vii., 26, 27. House Journal, p. 127. *Ante*, p. 673, chap. 58; p. 772, chap. 160.

<sup>1</sup> This included what is now Goffstown, New Hampshire.

## CHAPTER 194.

## ORDER ALLOWING £18. 12 TO JOS. NEWAL.

Legislative  
Records of the  
Council, xv.,  
512.

Legislative  
Records of the  
Council, xv.,  
179. House  
Journal, pp.  
17, 23, 39  
(December,  
1731); p. 154.  
*Ante*, p. 753,  
chap. 119.

A PETITION of Joseph Newall of Attleborô, Praying for some Allowance from the Court for his Losses, Expences & Sufferings in his Imprisonment in Providence Goal for obeying the Orders of this Govern<sup>t</sup>

Read & In answer to this Petition,

*Ordered* that the sum of Eighteen Pounds<sup>1</sup> be granted & paid out of the publick Treasury to the Petitioner Joseph Newal in Consideration of what he expended during his Confinem<sup>t</sup> in Providence Goal & for his Loss of Time in his Husbandry Affairs & other Business. [*Passed February 26.*]

## CHAPTER 195.

## ORDER OF NOTICE ON DAVID LAKE'S PETITION FOR A CONFIRMATION OF A JUDGMENT.

Legislative  
Records of the  
Council, xv.,  
513.

House Jour-  
nal, p. 153.

A PETITION of David Lake of Tiverton in the County of Bristol Shewing that at an Inferior Court of Common Pleas held for the said County in the Year 1726, in an Action between the Petitioner & one Samuel Snell of Newport in the Govern<sup>t</sup> of Rhoad Island the Parties entered into a Rule of Court to submit all the Differences to Referrees who awarded that the said Snell sh<sup>d</sup> pay the Petition<sup>r</sup> £83. 8. 6 Damage & Costs of Suit & Judgem<sup>t</sup> was made up accordingly, from which the said Snell appealed to the Superior Court & there obtained a Reversal of that Judgment & £3. 9. 3 Damage & Costs; & not content with that Judgment he brought his Writ of Review in September 1729; when, it appearing that the first Judgment was founded on an Award the Court were of opinion that no Appeal could be made; & therefore that the said Snell could take nothing by his Review, And therefore Praying that the Petition<sup>r</sup> may have the benefit of the Judgem<sup>t</sup> of the Inferior Court.

Read &

*Ordered* that the Petition<sup>r</sup> serve the adverse Party with a Copy of the Petition, that he shew cause on the second Wednesday of the next May Session why the Prayer thereof sh<sup>d</sup> not be granted. [*Passed February 26.*]

## CHAPTER 196.

ORDER ALLOWING £15 TO TIM<sup>r</sup> RICHARDSON.

Legislative  
Records of the  
Council, xv.,  
514.

House Jour-  
nal, p. 155.  
*Ante*, p. 38,  
chap. 246.

A PETITION of Timothy Richardson of Woburn Praying for some further Allowance from this Court for a Wound he received in the publick Service, by which he is disabled from supporting himself & Family.

Read &

*Ordered* that the Sum of Fifteen Pounds be granted & paid out of the publick Treasury to M<sup>r</sup> Samuel Richardson to be by him paid to the Petitioner Timothy Richardson in consideration of his great Sufferings occasioned by the Wound within mentioned. [*Passed February 27.*]

<sup>1</sup> The House Journal reads, £18. 12.

## CHAPTER 197.

## ORDER APPOINTING COMMITTEES TO VIEW LANDS ON THE FRONTIERS.

A MEMORIAL of Joseph Wilder & Josiah Willard Esq<sup>rs</sup> Proposing to build twelve Block houses on the Western Frontier from Dunstable to Fort Dummer (Saving the Charge of Nails, Iron Work & the Mens Subsistence during the Work) for the consideration of a Grant of two Townships of six miles square to them & their Associates, which they will settle in the Time & Manner as other new Towns are to be settled according to the Order of this Court.

Legislative  
Records of the  
Council, xv.,  
514.

House Jour-  
nal, pp. 156,  
157, 158.

In the House of Represent<sup>ves</sup> Read & In answer to the within Memorial,

*Ordered* that Charles Church Esq<sup>r</sup> M<sup>r</sup> John Hobson, & M<sup>r</sup> Samuel Chandler be desired without Delay to proceed from Dunstable to Fort Dummer, measure the Distance, noting down the Rivers Ponds and Hills with the Nature & Quality of the Lands they meet with & from thence come down to the Plantation or Town of Penicook, carefully making the same Observations, that the Court may the better know where to erect a Line of Block houses; And further

*Ordered* that Robert Hale Esq<sup>r</sup> M<sup>r</sup> Richard Milberry & John Choat Esq<sup>r</sup> be desired carefully to view the Countrey from Newichawonnock River, beginning about six miles above the Stair Falls in said River, being the Head Bounds of the Town of Berwick & from thence proceed to the River Saco above the Salmon Falls as high up as the Head Bounds of the Township laid out by this Court in their present Session, & from thence to the Fort at Brunswick carefully taking down the Nature & Quality of the Lands, the Distance, Rivers, Ponds & Hills as abovesaid; That the Committees report respectively hereon as soon as may be: In Council; Read & Concur'd, And that Samuel Thaxter Esq<sup>r</sup> be joined with the Committee for the Western Line & William Dudley Esq<sup>r</sup> with the Committee for the Eastern Line.

[In the House of Representatives—Read and concur'd]<sup>1</sup> [*Passed March 1.*

## CHAPTER 198.

ORDER INCREASING THE COMMITTEE APPOINTED TO RECEIVE INHAB<sup>ts</sup> INTO THE NEW TOWNS WESTWARD.

In the House of Represent<sup>ves</sup>

*Ordered* that Coll. Chandler Coll. Church Major Daniel Epes, & M<sup>r</sup> John Hobson with such as the Hon<sup>ble</sup> Board shall join be added to the Committee appointed in Novem<sup>r</sup> last to admit Persons as the Committee may think proper to bring forward the settle<sup>mt</sup> of the new Towns at Ashuelet & Paquoig, any three of them to be impowered to lay out either of the said Towns into Home or House Lots, & to be laid in as compact & defensible a manner as may be; & that upon the admitting of Settlers the Committee or the Major Part of them meet at a suitable Place for that end, giving publick notice of the time & place of Meeting: In Council; Read & Concur'd, & William Dudley & William Clark Esq<sup>rs</sup> are joined in the Affair. [*Passed March 1*

Legislative  
Records of the  
Council, xv.,  
515.

House Jour-  
nal, p. 158,  
*Ante*, p. 758,  
chap. 125.

<sup>1</sup> This concurrence is found in the House Journal; it does not appear in Legislative Records of the Council.

## CHAPTER 199.

ORDER CALLING A TOWN MEETING FOR THE NEW TOWNSHIP AT  
PENICOOK.

Legislative  
Records of the  
Council, xv.,  
515.

House Jour-  
nal, p. 158.  
Province  
Laws, ii., 697,  
chap. 10.  
*Ante*, p. 768,  
chap. 152.

*Ordered* that Mr Benjamin Rolfe a principal Inhabitant of the new Township at the Plantation of Penicook be & hereby is impowered & directed to assemble the Freeholders and others there lawfully qualified to Vote with all convenient speed to chuse Town Officers & do such other things as may be thought proper for the Interest of the Inhabitants of the said Township & Plantation. [*Passed March 1.*]

## CHAPTER 200.

ORDER IMPOWERING SAM<sup>l</sup> THAXTER JN<sup>o</sup> TURNER & W<sup>m</sup> DUDLEY ESQ<sup>rs</sup>  
TO SURVEY AND LAY OUT 300 ACRES OF LAND EACH.

Legislative  
Records of the  
Council, xv.,  
516.

House Jour-  
nal, p. 159.

A PETITION of Samuel Thaxter John Turner & William Dudley Esq<sup>rs</sup> Setting forth the many Services which they have performed for the Province to the Hazard of their Health & Lives, & with great Expence to themselves; And therefore Praying for a Grant of Province Land in satisfaction of their Services aforesaid.

Read &

*Ordered* that there be & hereby is a Grant of Four hundred Acres of some of the unappropriated Lands of the Province made to each of the Petition<sup>rs</sup> containing Twelve hundred Acres in the whole, to be laid out by a Survey<sup>r</sup> & Chain men on Oath, & of the Lands lying in the County of Worcester that may be uncapable of making Townships, or else in some other of the unappropriated Lands of the Province, Provided the same be laid out adjoining to some Township, & that the Petitioners return the respective Plat or Plats thereof to this Court within twelve months for Confirmation to the Petition<sup>rs</sup> their Heirs & Assigns respectively; The Charge of the Survey to be born by the Petitioners. [*Passed March 1.*]

## CHAPTER 201.

ORDER OF NOTICE TO BELLINGHAM SELECT MEN RELATIVE TO THE  
APPOINTING OF A COMMITTEE TO SETTLE BOUNDARY LINES.

Legislative  
Records of the  
Council, xv.,  
516.

House Jour-  
nal, pp. 158, 159.

A PETITION of the Select men of the Town of Bellingham & of a Comm<sup>tee</sup> for that part of the said Town, which was formerly Part of Dedham, Shewing that they have been exposed to great Charge & Trouble by the Town of Wrentham respecting the perambulation of the true West Line of said Town & Dedham, which they apprehend is lost, for that they can not find any Return thereof upon Record; And therefore Praying that this Court would appoint a Committee of disinterested Persons to settle the said Line.

Read &

*Ordered* that the Petitioners serve the Select men of the Town of Wrentham with a Copy of this Petition that so they may shew Cause on the first Fryday of the next Sitting of the Court why the Prayer thereof sh<sup>d</sup> not be granted. [*Passed March 1.*]



## CHAPTER 202.

ORDER IMPOWERING THE TOWN OF DUXBURY TO SURVEY AND LAY OUT FIVE HUNDRED ACRES OF LAND FOR THE SUPPORT OF A SCHOOL.

A PETITION of Coll. John Alden Represent<sup>ve</sup> of the Town of Duxbury Shewing that the said Town is obliged by Law to maintain a Grammar School, but by reason of the fewness of the Inhabitants & their Poverty the Charge of the School lies heavy upon them, And therefore Praying that this Court would make them a Grant of Land of the Province Land the better to enable them to defray the said Charge.

Read &

*Ordered* that the Town of Duxbury be & hereby is allowed & empowered by a Survey<sup>r</sup> & Chain men on Oath to survey & lay out Five hundred <sup>1</sup> Acres of the unappropriated Lands of the Province, & return a Plat thereof to this Court within twelve months for confirmation, for the maintenance & support of [a]<sup>2</sup> Grammar School there. [*Passed March 4.*<sup>3</sup>

Legislative  
Records of the  
Council, xv.,  
518.

House Jour-  
nal, p. 137.

## CHAPTER 203.

ORDER ERECTING THE WESTERN PART OF HAVERHILL INTO A SEPARATE PRECINCT.

A PETITION of Nathan Webster for himself & others Inhabitants of the Western Part of the South Precinct in Haverhill Setting forth their distance from the Place of publick Worship there, & that upon their application to the said Precinct they have voted to set them off a separate Precinct by certain bounds particularly described in their Petition; And Praying the Confirmation of the said Vote from this Court.

Read &

*Ordered* that the Prayer of the Petition be granted, And the said Lands with the Inhabitants thereon are hereby erected into a separate & distinct Precinct by the following Bounds accordingly; Beginning at Merrimack River on the West side of Joseph Bonds Land & so by said Bonds Land to the High way, then running Easterly by the said High way to the South West Corner of Samuel Marble Jun<sup>r</sup> his Land, & then on a strait Line Northerly to the High way by Deacon John Marsh's, & to cross the said High way half way from the old Meeting house in said Town, the Place where the Timber is haled for a new Meeting house by Singleberrys Orchard (so called) & then from said half way Line on a strait Line to the North west Corner of the Land that Joshua Page bought of Nath<sup>l</sup> Clement, & then Easterly by said Pages Land to the Saw Mill River, & then by the said Saw Mill River to the North Parish in said Town; And if that Line sh<sup>d</sup> intersect any Mans Dwelling house the Dwelling house thereon shall belong to the old Parish, Which Line is agreable to the Vote of the old Parish & the Comm<sup>tees</sup> Report of the twelfth of March thereon. [*Passed April 10.*

Legislative  
Records of the  
Council, xv.,  
519.

House Jour-  
nal, p. 163.

<sup>1</sup> The House Journal reads, "one thousand."

<sup>2</sup> Inserted from the State Library copy, Legislative Records of the Council, xv., 480.

<sup>3</sup> Adjourned to April 10. See Legislative Records of the Council, xv., 518.

## CHAPTER 204.

## VOTE REFERRING TO THE COMMITTEE FOR RUNNING THE LINE WITH CONNECTICUT.

Legislative  
Records of the  
Council, xv.,  
520.

House Jour-  
nal, p. 164.  
Province  
Laws, II., 695,  
chap. 8.

*Voted* that any three of the Committee consisting of five Gentlemen lately appointed by an Act of this Court for perambulating the Line between this Province & the Colony of Connecticut with a Committee of the Govern<sup>t</sup> of Connecticut, be a Quorum on the part of the Massachusetts as fully authorized & impowered to enter upon & finish that Affair as thô the whole Committee were present. [*Passed April 11.*]

## CHAPTER 205.

ORDER INPOWERING SAM<sup>l</sup> BLOOD TO APPEAL FROM A SENTENCE ON NOTICE.

Legislative  
Records of the  
Council, xv.,  
520.

House Jour-  
nal, p. 166.

A PETITION of Samuel Blood of Concord in the County of Middlesex Shewing that on the 11<sup>th</sup> of January 1732, he was convened<sup>1</sup> before Nath<sup>l</sup> Sartle Esq<sup>r</sup> (one of His Majestys Justices of the Peace for the said County) at Groton for spreading a false Report against one Robert Blood & upon Hearing the Complaint, the Petition<sup>r</sup> was fined ten shillings to the King & ordered to pay Costs; From which Sentence he appealed to the Court of General Sessions of the Peace for the said County, but the Trial being had late in the Evening & at a Place where he was a stranger, he could not obtain Bonds men for prosecuting his Appeal till the next Morning when the said Justice refused to take Bond. And forasmuch as the Petition<sup>r</sup>s Reputation is much concerned in this matter; Therefore Praying that he may be now allowed an Appeal to the next Court of General Sessions of the Peace for the County aforesaid.

Read &

*Ordered* that the Prayer of the Petition be granted, & that the Petition<sup>r</sup> be & hereby is allowed & impowered to appeal from the Sentence of the Justice within mentioned the Court of General Sessions of the Peace next to be holden a[t] Cambridge for the County of Middlesex upon his recognizing with sufficient Sureties to prosecute his Appeal with Effect, & seasonably filing his Reasons of Appeal with the Clerk of the said Court. And the said Court is hereby impowered & directed to hear & try the same, enter up Judgment & award Execution accordingly; And the Petition<sup>r</sup> is directed to serve Robert Blood with a Copy of this Order at least fourteen days before the Sitting of the Court. [*Passed April 12.*]

## CHAPTER 206.

ORDER CONFIRMING A PLAT OF 250 ACRES OF LAND GRANTED TO JN<sup>o</sup> CHOAT ESQ<sup>e</sup>.

Legislative  
Records of the  
Council, xv.,  
523. Maps and  
Plans, Mis.,  
viii., 25.

A PLAT of two hundred & fifty Acres of Land granted by this Court at their last Sitting to John Choat Esq<sup>r</sup> lying within the Township of Methuen being bounded as follows; viz. beginning at the South East Corner at a great Rock & stones laid upon it in the Line of the ancient

<sup>1</sup> *Sic.*

Town of Haverhill (now included in Methuen) thence running on Haverhill Line North one hundred & seventy eight Poles to a white Oak in a Swamp mark'd; thence West about two hundred & sixty Poles to a Pitch Pine mark'd at about eighty rods distance from Mr Greens Farm now in possession of Samuel Clark; thence running South Easterly a parallel Line with s<sup>d</sup> Greens Farm about one hundred & ninety poles to a small black Oak mark'd, by Land of Cpt. Stephen Greenleaf; thence running Easterly by said Greenleafs Farm about two hundred and seventy poles to the Bounds first mentioned.

Maps and Plans, Mss., viii., 25.  
House Journal, p. 166.  
*Ante*, p. 767, chap. 159.

Read and

*Ordered* That this plat be Accepted and that the Lands therein delineated and described be and hereby are Confirmed unto the said John Choate Esq<sup>r</sup> his heirs and assigns for Ever provided it exceeds not the quantity of two hundred and fifty Acres and does not interfere with any former Grant. [*Passed April 13.*]

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## CHAPTER 207.

### ORDER OF NOTICE ON SAM<sup>l</sup> GRAFTONS PETITION FOR TRIAL OF AN ACTION FOR A WRIT OF REVIEW WITH STAY OF EXECUTION.

A PETITION of Samuel Grafton of Boston, Shewing that at the last Superior Court held at Plymouth, Ebenezer Morton of said Plymouth recovered Judgment against him for £40. 13. 6 that the Petition<sup>r</sup> has sued the said Morton in a Writ of Review of the said Action, which is to be tried at the next Superior Court at Plymouth, And forasmuch as the said Morton is under difficult Circumstances, Therefore Praying that Execution may be staid till the Event of the Review.

Legislative Records of the Council, xv., 524.

House Journal, pp. 157, 168.  
*Ante*, p. 760, chap. 132.

Read &

*Ordered* that the Petition<sup>r</sup> forthwith serve the adverse Party or his Attorney with a Copy of this Petition that he or they shew Cause on Fryday the nineteenth Currant why the Prayer thereof should not be granted, & that the Execution within mentioned be suspended in the mean Time. [*Passed April 13.*]

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## CHAPTER 208.

### ORDER OF NOTICE ON MATTHEW WHIPPLES PETITION ABOUT A DEED OF CONVEYANCE OF LAND.

A PETITION of Matthew Whipple quartus of Ipswich in the County of Essex Shewing that he obtained a Deed of a considerable Tract of Land of a certain Man & his Wife, the right whereof was vested in the Woman who died before she acknowledged it, that one of the Witnesses is so indisposed that she is not able to travel to Court, Therefore Praying relief from this Court.

Legislative Records of the Council, xv., 524.

House Journal, p. 164.

Read & In answer to this Petition,

*Ordered* that any two of the Justices of the Peace for the County of Essex (Quorum Unus) are hereby impowered at the Charge of the Petition<sup>r</sup> to repair as soon as may be to the Dwelling house of the Witness within mentioned; namely Sarah Phillips (now White) in the Town of Haverhill that they take her Oath of what she knows as to the giving & executing the said Deed; The Caption of which Oath shall

be deemed as valid & effectual in Law as thô the said Witness had taken her Oath before any Court of Record as to the giving & executing the said Deed; & that the Justices who shall administer the said Oath, seasonably notify the Parties who have brought their Action & recovered part of the said Lands of the time of taking the Affidavit, that they may be present, if they see Cause. [*Passed April 13.*]

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## CHAPTER 209.

### ORDER ABOUT AN INDIAN MURTHER'D IN HAMPSHIRE.

Legislative  
Records of the  
Council, xv.,  
525.

House Jour-  
nal, p. 171.

WHEREAS Soutagalouheess an Indian of the Onandago Tribe is committed to His Majestys Goal at Springfield in the County of Hampshire for the Murther of Rhojeannekoah an Indian of the Quoyougah Tribe committed in the Wilderness to the Westward of Westfield; Which Tribe have had Notice of the said Murther; And it is therefore expected that they will desire to have the said Prisoner delivered up to them in order to do Justice upon him for the said Murther;

*Voted* that if the said Indians of the Quoyougah Tribe should send a Message to any of the Magistrates of the County of Hampshire to procure the said Prisoner for their proceeding with him according to Justice, that then the Keeper of His Majestys Goal at Springfield do deliver him up to the said Indians in the Presence of one or more of His Majestys Justices of the Peace, Taking a Receipt for him. [*Passed April 15.*]

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## CHAPTER 210.

### VOTE ABOUT LOTS IN THE NEW TOWNS WESTWARD.

Legislative  
Records of the  
Council, xv.,  
526.

Legislative  
Records of the  
Council, xv.,  
269, 282. House  
Journal, pp. 23,  
24 (June, 1732);  
p. 173. *Ante*,  
p. 701, chap.  
125.

WHEREAS this Court in their Sessions held in July 1732, ordered three Towns to be laid out, two on Ashuelet River, & one at Paquoig, & directed the Committee to lay out Home or House Lots to consist of so many Acres as the Court shall order;

*Voted* that the Home Lots to be laid out in the said three new Towns do consist of so many Acres (between twenty & forty) as the Committee shall think fit, considering the Quality of the said Land; & that Edward Goddard Esq<sup>r</sup> be of the said Committee in the room of William Clark Esq<sup>r</sup> who desires to be<sup>1</sup> excused from the said Service. [*Passed April 16.*]

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## CHAPTER 211.

### ORDER IMPOWERING JN<sup>o</sup> LARRABEE TO ENLIST HIS SERVANT IN THE SERVICE.

Legislative  
Records of the  
Council, xv.,  
526.

House Jour-  
nal, p. 160.

A PETITION of John Larrabee, Lieuten<sup>t</sup> of His Majestys Castle William, Praying that he may be allowed to have an able bodied Negroe Man that has served at the Castle listed in the Muster Roll, & that he may receive Wages for him during the Time he shall serve.

Read &

<sup>1</sup> The word "be" is taken from the State Library copy. Legislative Records of the Council, xv., 487. In the Secretary's copy the word is "the."

*Ordered* that the Prayer of the Petition be so far granted as that the Petitioner be allowed to enter his black Servant in the Service, & that he be retained in the Pay for twelve months next accordingly. [*Passed April 16.*]

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## CHAPTER 212.

ORDER IMPOWERING THE ASSESSORS OF THE PLANTATION AT THE "ELBOWS" TO LEVY AND COLLECT A TAX OF TWO PENCE PER ACRE ON 2,000 ACRES OF LAND.

A PETITION of the Inhabitants of a Tract of Land called the Elbows Shewing that there lies within the Tract several Parcels of Land granted by this Court some years since to particular Persons, which is the choicest of their Land & lies unimproved, the Quantity thereof being about Two thousand Acres, Praying that they may be impowered to tax it at two pence per Acre per Annum that it may be subjected to be sold to pay the said Tax & that the Receiver of the s<sup>d</sup> Plantation may have the same Power as Town & Precinct Receivers.

Legislative  
Records of the  
Council, xv.,  
527.

Legislative  
Records of the  
Council, xv.,  
148. House  
Journal, p. 176.  
Province  
Laws, ii., 554;  
616, chap. 9;  
664, chap. 15.  
*Ante*, p. 680,  
chap. 74; p. 728,  
chap. 40.

Read & In answer to this Petition,

*Ordered* that the Assessor or Assessors of the Plantation commonly called the Elbows be & hereby are impowered & directed to assess the Farms within mentioned (of the Contents of about Two thousand Acres) at the rate of two pence per Acre per Annum for three years next coming towards the Charge of building a Meeting house & settling & supporting a Minister in the said Plantation, & the said Lands are accordingly subjected to be sold for the payment of the said Tax in manner as is provided in an Act made in the 4<sup>th</sup> & fifth Years of His present Majestys Reign, entitled An Act to subject the unimproved Lands within this Province belonging to Non resident Propriet<sup>rs</sup> to be sold for payment of Taxes or Assessments levied on them by Order of the Great & General Court; And it is further

*Ordered* that the Proprietors Receiver of the said Plantation for the Time being be & hereby is vested with the like Powers that Treasurers & Receivers of Towns & Precincts are vested with in & by an Act made & pass'd in the sixth Year of His present Majestys Reign, entitled An Act for the seasonable Payment of Town & Precinct Rates & Assessments. [*Passed April 17.*]

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## CHAPTER 213.

ORDER IMPOWERING CHRISTO SERGEANT TO SURVEY AND LAY OUT 100 ACRES OF LAND.

A PETITION of Christopher Sergeant Minister of the Town of Methuen Shewing that in the constitution of the said Town the General Court made a reservation of the Province Right to a Tract of Land lying within their Bounds, that the said Town voted him One hundred Acres of the said Land for his Encouragem<sup>t</sup> in the Ministry in case he could obtain a Grant of it from this Court; And therefore Praying that this Court would make him a Grant of the said Land.

Legislative  
Records of the  
Council, xv.,  
528.

House Jour-  
nal, p. 173.  
Province  
Laws, ii., 367,  
chap. 12.

Read &

*Ordered* that the Prayer of the Petition be granted, And the Petitioner is allowed & impowered by a Surveyor & Chain men on Oath

to survey & lay out One hundred Acres of the Province Land in the Township of Methuen within mentioned, & that he return a Plat thereof to this Court within twelve months for Confirmation to the Petitioner his Heirs & Assigns. [*Passed April 17.*]

## CHAPTER 214.

### ORDER OF NOTICE ON THE STONEHAM PETITION FOR AN APPEAL WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council, xv.,  
528.

House Jour-  
nal, p. 119.

A PETITION of the Town of Stoneham, Complaining of irregular Proceedings of the Court of General Sessions of the Peace for the County of Middlesex with respect to a High way laid out by the Select men of the said Town, more especially that the Justices denied them an Appeal to the Court of Assize Praying that they may be admitted to a new Trial or that their Appeal may be allowed & Execution staid in the mean time, or that they may be otherwise relieved

Read &

*Ordered* that this Petition be refer'd to the first Tuesday of the next May Session, & that the Petition<sup>rs</sup> in the mean time serve the Clerk of the General Sessions of the Peace for the County of Middlesex with a Copy thereof, that the said Clerk communicate the same to the said Court, that they may act thereon as they shall think most advisable & that the Execution within mentioned be also staid in y<sup>e</sup> mean time accordingly. [*Passed April 17.*]

## CHAPTER 215.

### ORDER IMPOWERING MARTHA BRIGHAM TO SELL LAND.

Legislative  
Records of the  
Council, xv.,  
529.

House Jour-  
nal, p. 164  
(April, 1733);  
p. 175.

A PETITION of Martha Brigham Relict Widow & Executrix of John Brigham late of Sudbury in the County of Middlesex Dec<sup>d</sup> Shewing that the Father of the said John Brigham did by his last Will & Testam<sup>t</sup> devise sundry Parcels of Land to his Son, Provided he sh<sup>d</sup> pay £240 to his Sisters within a certain Term, & gave Liberty for selling his Out Lands to them in part of Satisfaction for their Legacies, that accordingly the said John Brigham agreed to sell Part of the said Out Lots for £31. 4 towards Payment, & the Deed was made for the same, but the said John Brigham died before it was executed; And therefore Praying that the Petition<sup>r</sup> may be impowered to execute a Deed of the said Lands to Sarah Goodenough one of the said Legatees & Oliver Ward & Ebenezer Perry Husbands of the other Legatees.

Read &

*Ordered* that the Prayer of the Petition be granted, & the Petitioner is hereby allowed & impowered to make Sale of the said real Estate accordingly. [*Passed April 17.*]

## CHAPTER 216.

ORDER ALLOWING £100 TO THE COMMITTEE APPOINTED TO PERAMBULATE THE CONNECTICUT LINE.

*Ordered* that the sum of One Hundred Pounds be granted & paid out of the publick Treasury to the Committee of this Court appointed to perambulate the Line with a Committee of Connecticut between the two Govern<sup>ts</sup> The Committee to account for the said Sum. [*Passed April 17.*]

Legislative  
Records of the  
Council, xv.,  
529.House Jour-  
nal, p. 175.  
*Ante*, p. 790,  
chap. 204.

## CHAPTER 217.

ORDER ON ALDEN BASSES PETITION IN REGARD TO A LOST WILL.

ON THE PETITION of Alden Bass, [*ante*, p. 784, chap. 192]  
In Council; Read together with the Answer of Joseph Bass & others &

Legislative  
Records of the  
Council, xv.,  
529.

*Ordered* that Thomas Hutchinson, William Dudley & Francis Foxcroft Esq<sup>rs</sup> with such as shall be joined by the Hon<sup>ble</sup> House be a Committee to consider of the Subject matter of this Petition & report as soon as may be, what may be proper to be done thereon; & that the Committee have power to send for such Persons & Papers as they think proper to give Light in the Affair.

House Jour-  
nal, pp. 171, 172.  
*Ante*, p. 784,  
chap. 192.

In the House of Represent<sup>ves</sup> Read & Concur'd &

*Ordered* that Samuel Wells Esq<sup>r</sup> M<sup>r</sup> Bysby John Choat & William Brattle Esq<sup>rs</sup> be joined in the Affair. [*Passed April 17.*]

## CHAPTER 218.

ORDER ALLOWING £3 TO MARY MOOR.

A PETITION of Mary Moor of Windsor in the Colony of Connecticut Widow Praying an Allowance for a Three Pound Bill of Credit of this Province eaten by the Mice, with a Testimony on Oath as to the said Fact, & the Remains of the said Bill herewith presented.

Legislative  
Records of the  
Council, xv.,  
530.House Jour-  
nal, p. 174.

Read &

*Ordered* that the Prayer of the Petition be granted; & the Treasurer is directed to receive the remains of the said Bill & deliver Three Pounds value of the Bills of this Province in exchange thereof accordingly. [*Passed April 17.*]

## CHAPTER 219.

ORDER IMPOWERING ROBT RAND TO SURVEY AND LAY OUT 1,000 ACRES OF LAND.

A PETITION of Robert Rand of Boston Sail maker, Shewing that his Great Uncle Thomas Goffe Esq<sup>r</sup> (one of the first Patentees of this Colony & Deputy Governor of the Company) laid out considerable sums of Money to advance the Settlement of the Colony, which were never reimbursed to him, neither had he ever any Grant of Land as

Legislative  
Records of the  
Council, xv.,  
530.House Jour-  
nal, p. 172.

the other Patentees had; And therefore Praying for a Grant of some of the wast Lands of the Province or a sum of Money in consideration of the Premises.

Read & In answer to the Petition of Robert Rand,

*Ordered* that the Petitioner have Liberty by a Survey<sup>r</sup> & Chain men under Oath to lay out One thousand Acres of some of the unappropriated Lands of the Province, & present a Plat thereof to this Court within twelve months for Confirmations to him his Heirs & Assigns. [*Passed April 17.*]

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## CHAPTER 220.

### ORDER GRANTING THE TOWN OF HARVARD A LAW BOOK.

Legislative  
Records of the  
Council, xv.,  
530.

House Jour-  
nal, p. 178.

*Voted*<sup>1</sup> that M<sup>r</sup> Benjamin Elliot be desired to deliver to the Order of the Town of Harvard one of the Province Law Books at the publick Charge. [*Passed April 18.*]

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## CHAPTER 221.

### ORDER ON THE PETITION OF THE EAST PRECINCT IN ENFIELD TO BE ERECTED INTO A SEPARATE TOWN.

Legislative  
Records of the  
Council, xv.,  
530.

House Jour-  
nal, p. 176.  
Province  
Laws, ii., 719,  
chap. 10.

A PETITION of the East Precinct in Enfield, Shewing that by their Distance from the Body of the Town they have little or no benefit of the School & are under other Disadvantages, & being above sixty Families, Therefore Praying to be set off a separate Town.<sup>2</sup>

Read &

*Ordered* that the Prayer of the Petition be granted, And the Petitioners are allowed to bring in a Bill accordingly at the next May Session. [*Passed April 18.*]

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## CHAPTER 222.

### ORDER ACCEPTING THE COMMITTEES REPORT ON THE AFFAIRS OF THE NARRAGANSET SOLDIERS &c.

Legislative  
Records of the  
Council, xv.,  
531.

Legislative  
Records of the  
Council, xv.,  
503, 520.  
House Jour-  
nal, pp. 141, 153  
(February  
1733); pp. 173,  
180, *Ante*,  
p. 673, chap. 58.

THOMAS PALMER Esq<sup>r</sup> from the Committee of both Houses on the Affair of settling the Towns granted to the Narraganset soldiers gave in the following Report; viz.

The Committee to whom was refer'd the Affair of the Narraganset Claimers are of Opinion that the Consideration of Admitting such Claimers as heretofore omitted presenting or proving their Claims should be refer'd to the Session of the General Court in May next; That the true Intent & Meaning of the Grant made of Lands to those that were in that War was that the Persons who were in that War, only should be entitled, if alive, whosoever put in his Claim, & if deceased, then his legal Represent<sup>ves</sup> were entitled to benefit thereby, in such way as was consistent with the Conditions & Limitations of Settlement &c, upon which said Lands were granted: which it was never supposed a Deceased Claimers Heir (in ordinary Cases) could or would receive where there were more than one on the Conditions of the Grant.

<sup>1</sup> The House Journal reads, “*Ordered.*”

<sup>2</sup> The town was called Somers.



but that where there were divers Descendents of a Person that had a Right, they would agree & consent it should belong to one only; but whereas in some Cases by reason of an evil Mind & turbulent Disposition, & in others by reason of Minority there is a great difficulty; We propose that it be resolved & ordered That where the Person is deceased who was in the service, the Grant shall be & belong to his legal Represent<sup>ves</sup> in the following manner; viz, That the eldest Heir Male, if such there be, otherwise the eldest Female, if they please shall hold the Land, paying to the other Descendants or Heirs such proportionable parts of Ten Pounds (at which we judge a Right ought to be valued) as such Descendants or Heirs would be entitled to in the Lands if such Lands descended according to the Law of this Province for the Settlem<sup>t</sup> of Intestate Estates; & also pay what Charge any of said Descendants may have been at to prove or bring forward such Claim; And if any Dispute shall happen about the Person or Charge, the Settlers or Grantees in each of the Towns shall fix & settle it by a Major Vote. The Committee is further of Opinion that the seven years for settling the Towns granted to the Narraganset Claimers as well the two first as the five last be computed from the first Day of June next: In the Name & by Order of the Comm<sup>tee</sup>

THO. PALMER.

Read &

*Ordered* that this Report be accepted. [*Passed April 18.*]

## CHAPTER 223.

### ORDER ACCEPTING THE COMMITTEES REPORT ON THE AFFAIR OF DEDHAM SOUTH PRECINCT.

SAMUEL THAXTER ESQ<sup>r</sup> from the Committee of both Houses gave in the following Report on the Answer of the South Precinct in Dedham to the Petition of Joseph Ellis & others; viz,

Legislative  
Records of the  
Council, xv.,  
531.

The Committee are of Opinion that the Consideration of settling a Place for a Meeting house prayed for in the Paper be refer'd to next May Session that so this Court may know if their Order for the House for the publick Worship at the Common Land be complied with; After which Time if the remaining Precinct cannot agree upon a Place & apply to the Court for a Committee therefor, that then this Court take further Order in the Premisses.

House Jour-  
nal, p. 180.  
*Ante*, p. 765,  
chap. 144.

By Order of the Committee

SAM<sup>L</sup> THAXTER

Read &

*Ordered* that this Report be accepted. [*Passed April 18.*]

## CHAPTER 224.

### ORDER ON REPORT ON NORTH YARMOUTH AFFAIR.

THE COMMITTEE to whom was refer'd the Report on the Town of North Yarmouth, having considered & examined the same, are of Opinion that the said Report be accepted with the following Amendm<sup>t</sup> viz, That nothing contained in the fore mentioned Report be construed in the least to affect any Mans Right or Property in the Land mentioned & granted therein arising by a Prior legal Grant or Claim, &

Legislative  
Records of the  
Council, xv.,  
532.

Mass.  
Archives,  
xvii., 633.  
Legislative  
Records of the

Council, xv.,  
509, 516. House  
Journal,  
pp. 151, 152, 156,  
157, 167, 173,  
175, 179.  
*Aide*, p. 659,  
chap. 23.

also that the Clause near the Close of s<sup>d</sup> Report be wholly Dele'd, [viz, or that has not a whole Propriety or a 104<sup>th</sup> Part of the Town as afore-said, each one to be allowed to vote by an Attorney when absent:] There being a Law of the Province to regulate that Affair. By

Order & in behalf of the Comm<sup>tee</sup>

JOHN ALFORD.

Read &

*Ordered* that this Report be accepted. [*Passed April 18.*]

## CHAPTER 225.

### ORDER OF NOTICE ON W<sup>m</sup> CARLEYS PETITION FOR A NEW TRIAL WITH STAY OF EXECUTION.

Legislative  
Records of the  
Council, xv.,  
532.

House Jour-  
nal, p. 177.  
Province  
Laws, xlii., 9,  
chap. 6.

A PETITION of William Carley of Boston Mariner, Shewing that he was sued at the Inferior Court held at Boston in January last by Josias Byles of Boston Shop keeper upon a Bill of Exchange endorsed by the Petition<sup>r</sup> and Judgment went against him, from which he appealed to the Superior Court held in Febr'y. last, & when the Action came upon Trial, the Reasons of Appeal could not be found (being mislaid by the Clerk or the Plaintiffs Attorney) & thereupon the said Byles enter'd his Complaint for the Confirmation of the former Judgment And therefore Praying that he may be allowed an other Trial of the said Cause upon the Merits at the next Superior Court, & that Execution may be staid in the mean time.

Read &

*Ordered* that this Petition be refer'd to the first Tuesday of the next May Session for Consideration, & that in the mean time the Petition<sup>r</sup> serve the adverse Party with a Copy of the Petition, that he then shew Cause, if any he have, why the Prayer thereof sh<sup>d</sup> not be granted & that the Execution within mentioned be also staid in the mean Time. [*Passed April 18.*]

## CHAPTER 226.

### ORDER ALLOWING £50 TO M<sup>r</sup> EDWARD SHOVE.

Legislative  
Records of the  
Council, xv.,  
533.

Executive  
Records of the  
Council, ix.,  
517. House  
Journal,  
pp. 178, 179, 181.  
*Aide*, p. 757,  
chap. 123.

WHEREAS M<sup>r</sup> Edward Shove has been employed by this Court in appearing for this Province in behalf of Henry Joselyn & others in His Majestys Courts in the County of Bristol & Colony of Rhoad Island Which has put him to considerable Expence already;

*Voted* that the Sum of Fifty Pounds be granted & paid out of the publick Treasury to M<sup>r</sup> Edward Shove for his past Services, & to enable him to appear for the Province (according to the Order of this Court) in said Affair, he to accompt therefor. [*Passed \* April 19.*]

## CHAPTER 227.

### ORDER INPOWERING BENJ<sup>n</sup> SNELLING AS GUARDIAN TO SELL LAND.

Legislative  
Records of the  
Council, xv.,  
533.

A PETITION of Benjamin Snelling of Boston Block maker, Guardian to his two Children Hannah & Elisabeth by Hannah his late Wife, Shewing that they are interested in a small House & Land in Boston,

which was the Estate of their late Uncle Matthew Porter Dec<sup>d</sup> which House is much out of Repair And therefore Praying that he may be impowered to sell his Childrens Part of said House & Land for their Use.

House Jour-  
nal, pp. 178, 179.  
Province  
Laws, ii., 151,  
chap. 10.

Read &

*Ordered* that forasmuch as the annual Interest of the Proceeds of the Minors fifth Part of the House & Land mentioned in the Petition will be much more for their advantage than the yearly Rents will amount to, considering the Charge of Repairs of the House which is gone to decay, That therefore the Prayer of the Petition be granted & that the Petition<sup>r</sup> be & hereby is allowed & impowered to make Sale of the Minors fifth Part of the Premisses for the most it will fetch for their Use, & in making Sale thereof to proceed in the method directed in & by an Act of this Province made in the sixth Year of the late King George Chap. 3<sup>d</sup> Entitled An Act for the regulation of the Decrees & other Proceedings of the several Judges of Probate in the respective Counties of this Province, & of Appeals therefrom, And that the Petition<sup>r</sup> give sufficient Cautions to the Judge of Probate for the County of Suffolk for the security of the Minors Part of the Proceeds of the sale of the Premisses; which is to be let out at Interest for their Use, & the Income to be paid them annually during their Minority or until they come of Age or marry & then their Part of the principal Sum to be paid them respectively. [*Passed April 19.*]



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## INDEX OF NAMES.

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# INDEX OF NAMES.

A.	PAGE
Abel, Jane (an Indian), . . . . .	446
Abel, Joseph (an Indian), . . . . .	446
Abington, . . . 39, 73, 74, 160, 433, 506, 512, 552, 781, 782	
Aborne, Samuel, . . . . .	286
Abraham, Samuel (an Indian), . . . . .	105, 566
Absalom, John, . . . . .	367, 391
Acadia, . . . . .	628
Adams, Daniel, . . . . .	310, 749, 750
Adams, John, . . . . .	300, 303, 375
Adams, Joseph, . . . . .	310
Adams, Roger, . . . . .	310, 749
Adlington, James, . . . . .	525
Agamont, Jabez (an Indian), . . . . .	374
Agawam River, . . . . .	632
Ahanton, Amos (an Indian), . . . . .	147
Albany, . . . . .	69, 104, 109, 180, 332, 371
Alden, Capt. —, . . . . .	471, 640
Alden, Col. —, . . . . .	681, 752, 758, 775
Alden, Capt. John, . . . . .	117
Alden, Col. John, . . . . .	789
Alden, Dr. Thomas, . . . . .	37
Aldrich, Jacob, . . . . .	529
Aldrich, Seth, . . . . .	361
Alexander, Nathaniel, . . . . .	700
Alford, Benjamin, . . . . .	167
Alford, James, . . . . .	64
Alford, John, . . . . .	64, 472, 504, 527, 543, 798
Alford, Mary, . . . . .	167
Allen, Dr. —, . . . . .	93
Allen, Abigail, . . . . .	558
Allen, Ann, . . . . .	674
Allen, Benjamin, . . . . .	437, 506, 552, 558
Allen, Rev. Benjamin, . . . . .	655
Allen, Ebenezer, . . . . .	66, 476, 780
Allen, Dr. Ebenezer, . . . . .	83
Allen, Elnathan, . . . . .	156
Allen, Jeremiah, . . . . .	279
Allen, Jeremiah (Treasnrer of the Province), 15, 16, 25, 28, 31, 32, 34, 38, 46, 49, 53, 66, 70 <i>bis</i> , 71, 72, 73, 79, 87, 89, 90, 91, 101 <i>bis</i> , 104, 115, 118, 141, 144, 152, 155, 159, 160, 164, 170, 171 <i>bis</i> , 175, 178, 179, 180, 182, 183, 190, 196, 199, 206, 212, 214, 222, 224 <i>bis</i> , 225, 226, 229, 232, 238 <i>bis</i> , 239, 241 <i>bis</i> , 242, 244, 259, 261 <i>bis</i> , 264, 265, 288, 289, 291, 301, 311, 315, 316, 318, 319, 321, 322, 323, 328, 330, 337, 346, 347 <i>bis</i> , 353, 354, 363, 366, 380, 383, 384, 399, 415, 426, 435, 439 <i>bis</i> , 440, 443, 449, 478 <i>bis</i> , 479 <i>bis</i> , 480, 493, 499, 500, 502, 521, 533, 534, 542, 543, 566, 567, 571, 590, 593, 595, 596 <i>bis</i> , 598, 601, 606, 615, 624, 657 <i>bis</i> , 667, 677, 705, 722, 733, 738, 739, 746, 762, 763, 784 <i>bis</i>	
Allen, John, . . . . .	122, 600, 606, 628, 690
Allen, Capt. John, . . . . .	231
Allen, Joseph, . . . . .	558
Allen, Nehemiah, . . . . .	358
Allen, Oliver, . . . . .	622

	PAGE
Allen, Peter, . . . . .	622
Allen, Robert, . . . . .	452, 492
Allen, William, . . . . .	600
Almy, Christopher, . . . . .	126
Almy, Job, . . . . .	446, 530, 549
Almy, Joshua, . . . . .	375, 680
Almy, Susannah, . . . . .	375
Almy, William, . . . . .	454, 488
Alvord, Benjamin, . . . . .	35, 69
Ames, Samuel, . . . . .	105, 106
Amesbury, . . . . .	108, 369, 500, 630
Amoskeag Falls, . . . . .	785
Amherst (New Hampshire), . . . . .	378
Ammanusuck ( <i>see</i> Amonoosuck).	
Amonoosuck River, . . . . .	271
Amos, Thomas, . . . . .	79
Anderson, Andrew, . . . . .	57, 94, 157, 158, 225
Anderson, John, . . . . .	702, 703, 720, 760, 775
Andover, . . . . .	158, 159
Andrews, Samuel, . . . . .	207
Andros, Sir Edmund, . . . . .	239
Androscooggin River, . . . . .	271
Andross, Andrews ( <i>see</i> Anderson).	
Anesaguntacook Indians, . . . . .	165, 251
Angler, Urian, . . . . .	194, 214
Annapolis, . . . . .	222 <i>bis</i> , 254
Annasnappet Brook, . . . . .	676
Annisquam, . . . . .	314
Annisquam River, . . . . .	314
Anthony, Abraham, . . . . .	541, 608
Anthony, John, . . . . .	541, 608
Anthony, William, . . . . .	541, 547, 608
Antigua, . . . . .	691
Appleton (Mr. Justice), . . . . .	300
Appleton, Anna, . . . . .	734
Appleton, John, . . . . .	7, 159, 358, 428, 500, 641, 685
Appleton, Rev. Nathaniel, . . . . .	522
Appleton, Samuel, . . . . .	696, 697, 734, 741
Arasaguntacook, Aresagontacook ( <i>see</i> Anesagun- tacook).	
Aranmaumet (an Indian), . . . . .	248
Armsbee (Ingalls?), Jeremiah, . . . . .	395
Armstrong, Lieut. James, . . . . .	26
Armstrong, John, . . . . .	722
Armstrong, Mary, . . . . .	26
Arnault, John, . . . . .	364, 373
Arnold, Edward, . . . . .	46, 74
Arnold, Mary, . . . . .	348, 349
Arnold, Sion, . . . . .	348
Arnold, William, . . . . .	603
Arrowick, . . . . .	59, 79, 99
Arnudel, . . . . .	16, 17, 95, 145, 146, 303, 356
Ashawelet, Ashnwelet ( <i>see</i> Ashuelot).	
Asher, Michael, . . . . .	691
Ashford, . . . . .	783
Ashley, John, . . . . .	11, 522, 564, 728

	PAGE
Ashley, Capt. John, . . . . .	176
Ashley, Noah, . . . . .	498
Ashuelot River, . . . . .	702, 703, 744, 758, 781, 787, 792
Assowamsett, . . . . .	446, 453, 625
Athern, Jabez, . . . . .	311
Atherton, Benjamin, . . . . .	594
Atherton, Joseph, . . . . .	594
Atherton, Simon, . . . . .	594
Atkinson, John, . . . . .	344
Attleborough, . . . . .	203, 349, 523 <i>bis</i> , 542, 554, 567, 594, 603, 605, 608, 609, 613, 614, 640, 651, 661, 674, 722, 734, 754, 755, 756, 757 <i>bis</i> , 773, 782, 786
Atwood, Ebenezer, . . . . .	757
Atwood, Eldad, . . . . .	757
Aukmuty, Robert, . . . . .	27, 252
Austin, Anthony, jr., . . . . .	521
Austin, Jacob, . . . . .	498
Austin, Richard, . . . . .	498
Avery, Richard, . . . . .	620
Ayer, William, . . . . .	355
Aytey, John, . . . . .	606

**B.**

Babbitt, Elkanah, . . . . .	472, 473
Babbitt, Erasmus, . . . . .	594
Babbitt, Seth, . . . . .	377
Bacon, —, . . . . .	384
Bacon, Jonathan, . . . . .	438
Bacon, Nathaniel, . . . . .	571
Bacon, Stephen, . . . . .	476
Bacon, Timothy, . . . . .	476
Bagg, Daniel, . . . . .	636
Bagnal, Benjamin, . . . . .	398
Bagnal, Elisabeth, . . . . .	398
Bailey, Dr. —, . . . . .	250
Bailey, John, . . . . .	112, 150
Bailey, Joshua, . . . . .	236, 237, 583
Bailey, Dr. Joshua, . . . . .	236, 237
Baileys Lane, . . . . .	583
Baistow, Joseph, . . . . .	145
Baiting Brook, . . . . .	168
Baker, Rev. Daniel, . . . . .	642
Baker, Elisabeth, . . . . .	642
Baker, Rebecca, . . . . .	642
Baker, Thomas, . . . . .	167
Baker's Spring, . . . . .	636
Ball, Joseph, . . . . .	139, 230
Ball, Robert, . . . . .	764
Ballantine, John, . . . . .	53, 73, 652
Bancroft, Thomas, . . . . .	138
Bane, Lieut. Joseph, . . . . .	30, 190
Bangs, —, . . . . .	211
Banister, Mrs. Frances, . . . . .	150, 158, 166, 688
Banister, John, . . . . .	633
Banister, Samuel, . . . . .	150, 166, 633
Banister, Thomas, . . . . .	150
Baptist, John, . . . . .	84
Baptist, Paul, . . . . .	78
Barbados, . . . . .	188, 227, 363, 535
Barden, Thomas, . . . . .	148
Bardwell, Samuel, . . . . .	760
Barker, Ebenezer, . . . . .	142
Barker, Edward, . . . . .	115
Barker, Capt. Francis, . . . . .	354
Barker, Jacob, . . . . .	618
Barker, Samuel, . . . . .	634, 658
Barker, Stephen, . . . . .	100, 141, 150, 151
Barnabas, Solomon (an Indian), . . . . .	36

Barnard, Samuel, jr., . . . . .	29
Barnard, Capt. Samuel, . . . . .	29
Barnslade, William, . . . . .	28, 159, 311, 383, 479, 502
Barnstable, . . . . .	148, 223, 247, 291, 668, 671
Barnstable County, . . . . .	7, 42, 46, 97, 135, 187, 241, 260, 278, 291, 321, 337, 422, 486, 553, 588, 592, 634, 658, 667, 713, 778
Barrett, Jonathan, . . . . .	18
Barrett, Thornton, . . . . .	260
Barrington, . . . . .	366
Barron, Elias, . . . . .	96
Barron, Priscilla, . . . . .	96
Barrow, —, . . . . .	625
Barrow, Samuel, . . . . .	604, 634
Barstow, Joseph, . . . . .	125
Bartholomew (an Indian), . . . . .	248
Bartlett, — (justice of Providence), . . . . .	542
Bartlett, Faithful, . . . . .	453
Bartlett, Jacob, . . . . .	275
Bartlett, Job, . . . . .	603, 605 <i>bis</i> , 607, 608, 609, 613, 614
Bartlett, John, . . . . .	623
Bartlett, Joseph, . . . . .	345
Bartlett, Thomas, . . . . .	623
Bass, Alden, . . . . .	784, 795
Bass, Jonathan, . . . . .	39
Bass, Joseph, . . . . .	784, 795
Bass, Joseph (son of Joseph Bass), . . . . .	784, 785
Bass Cove, . . . . .	636
Bate, Benjamin, . . . . .	272
Bate, Benjamin (son of Benjamin Bate), . . . . .	272
Batlee, Jonathan, . . . . .	462
Baxter, Rev. —, . . . . .	163
Baxter, Andrew, . . . . .	58
Baxter, Joseph, . . . . .	367
Baxter, Shubael, . . . . .	767
Bayley ( <i>see</i> Bailey), . . . . .	
Beacon Island, . . . . .	38
Beaman, John, . . . . .	569
Beard, William, . . . . .	567
Beaver Brook, . . . . .	482
Bedford, . . . . .	438, 440, 446, 681
Bedford (New Hampshire), . . . . .	772
Bedurtha, Thomas, . . . . .	115
Beighton, John, . . . . .	225, 226
Belcher, Edward, . . . . .	263, 313
Belcher, Jonathan, . . . . .	145, 183 <i>bis</i> , 198, 218, 239, 266, 290, 504, 610
Belcher, Gov. Jonathan, . . . . .	472, 487, 488, 506 <i>bis</i> , 515, 559, 590, 603, 614, 663, 667, 669, 670, 686, 725, 748, 758, 780, 782
Bellamy, Samuel, . . . . .	137
Bellingham, . . . . .	143, 144, 275, 276, 603, 717, 756, 773, 782, 788
Bellows, Isaac, . . . . .	674
Benn, Benjamin, . . . . .	71
Bennet, John, . . . . .	704, 726, 727, 782
Bennet's Brook, . . . . .	728
Berry, —, . . . . .	174
Berry, Thomas, . . . . .	531
Berry, Dr. Thomas, . . . . .	215
Berwick, . . . . .	350, 377, 473, 589, 625, 702, 758, 778, 787
Beverly, . . . . .	232, 325, 727
Biddeford, . . . . .	16, 17, 145, 146, 214, 229, 238, 241, 316, 350, 389, 411, 412 <i>bis</i> , 590, 667, 769
Bill, Jeremiah, . . . . .	103
Bill, Joseph, . . . . .	103
Billerica, . . . . .	194, 309, 329, 345, 346, 373, 384, 440, 446, 489, 701, 718, 766, 767
Billig, Ebenezer, . . . . .	188
Billig, Samuel, . . . . .	272



# INDEX OF NAMES.

805

	PAGE
Billingsgate, . . . . .	71, 209, 210, 225, 757
Bird, —, . . . . .	693
Bird, Benjamin, . . . . .	752, 780
Bishop, John, . . . . .	12
Bissell, Capt. Joseph, . . . . .	232
Bixby, Joseph, . . . . .	449
Blackman, Elisha, . . . . .	33, 34
Blackstone River, . . . . .	725
Blagrove, —, . . . . .	532
Blagrove, Nathaniel, . . . . .	44
Blagrove's Farm, . . . . .	654
Blake, Capt. Robert, . . . . .	556
Blaisdell, Dr. Henry, . . . . .	280
Bleachard, Joseph, . . . . .	59, 235, 416, 725
Blanford, the ship, . . . . .	487
Blood, Robert, . . . . .	790
Blood, Samuel, . . . . .	387
Blue Anchor Tavern, . . . . .	474
Boardman, Andrew, . . . . .	399
Boardman, Olin, . . . . .	100, 141, 142, 150, 151
Bodwell, Daniel, . . . . .	694, 695, 759
Bolland, William, . . . . .	(see Bolland).
Bolton, William, . . . . .	394
Bond, Jonas, . . . . .	398
Bond, Joseph, . . . . .	789
Bongarden, Philip, . . . . .	631, 784
Booth, Abraham, . . . . .	125, 126, 151, 247 note
Boston, 7 <i>bis</i> , 9, 10, 19, 26, 33, 35, 51, 57, 58, 71, 76, 78, 91, 94, 103, 105, 116, 120, 122, 126, 138, 143, 144, 154, 157, 158, 167, 188, 189, 192 <i>bis</i> , 201, 203, 207, 209 <i>bis</i> , 212, 213, 228, 232, 242, 244, 250, 254 <i>bis</i> , 258, 261, 263, 274, 275, 282, 283, 284, 302 <i>bis</i> , 308 <i>bis</i> , 313, 323, 324, 326, 331, 334 <i>bis</i> , 346, 350, 353, 356 <i>bis</i> , 357 <i>bis</i> , 359 <i>bis</i> , 363, 364, 365, 367, 371, 375 <i>bis</i> , 376, 377, 382, 388, 393 <i>bis</i> , 399, 409, 415, 416, 419 <i>bis</i> , 429, 431, 437, 440, 457, 460, 472, 481 <i>bis</i> , 493, 505, 506, 510, 511, 516, 524 <i>bis</i> , 525 <i>bis</i> , 541 <i>bis</i> , 545, 555, 565, 566, 567, 569, 572, 588, 590, 600, 604, 605 <i>bis</i> , 607, 608, 628 <i>bis</i> , 629, 668, 672 <i>bis</i> , 680, 685, 686, 689, 690, 694, 696, 702, 720, 729, 733, 734, 736, 741, 750 <i>bis</i> , 753, 754, 760 <i>bis</i> , 769, 772 <i>bis</i> , 775, 777, 784, 785, 791, 795, 798 <i>bis</i>	
Bosworth, Hezekiah, . . . . .	36
Bosworth, Jonathan, . . . . .	395
Boucher, Sarah, . . . . .	120
Bonn Brook River, . . . . .	87
Bourne, —, . . . . .	33, 613
Bourne, Capt. —, . . . . .	22
Bourne, Ezra, . . . . .	74 <i>bis</i> , 327, 374, 553, 765
Bourne, Rev. Joseph, . . . . .	488
Bourne, Meletiah, . . . . .	42, 553
Bourne, Richard, . . . . .	332
Bourne, Capt. Richard, . . . . .	32, 94, 99, 163, 191, 354, 389
Bourne, Sylvanus, . . . . .	247
Bourne, Timothy, . . . . .	592
Boutineau, Stephen, . . . . .	47, 272
Bowles, —, . . . . .	526, 695
Bowles, Maj. —, . . . . .	472, 527, 681
Bowles, John, . . . . .	522, 523, 526, 543, 590, 731
Bowman, Capt. —, . . . . .	693
Bowman, Francis, . . . . .	213
Bowman, James, . . . . .	304
Bowman, Nathaniel, . . . . .	44
Boxford, . . . . .	158, 159, 285, 618
Boyce, John, . . . . .	557
Boyce, Joseph, . . . . .	587
Boyd, Archibald, . . . . .	722
Boyle, Content, . . . . .	286
Boyle, Joseph, . . . . .	286

	PAGE
Boylstone, Nathaniel, . . . . .	705
Boylstone, Dr. Zabdiel, . . . . .	125, 232, 311
Boynton, Hezekiah, . . . . .	372
Brackett, Joshua, . . . . .	698
Brackett, Joshua [jr.], . . . . .	698, 699
Bradbury, . . . . .	652
Bradford, . . . . .	40, 165, 166, 618, 656, 662, 739
Bradford, —, . . . . .	681
Bradford, Maj. —, . . . . .	552
Bradford, Maj. John, . . . . .	41
Bradford, Perez, . . . . .	759
Bradford Road, . . . . .	583
Bradley, Joseph, . . . . .	718
Bradshaw, John, . . . . .	534
Bragdon, Arthur, . . . . .	349, 502
Braintree, 156, 157, 239, 256, 333, 352, 367, 433, 482, 486, 506, 512, 552, 598, 599, 721, 723, 781, 782	
Brandon, Joseph, . . . . .	696, 700, 741, 750
Brandy Brow Hill, . . . . .	369
Brattle, Maj. —, 472, 487, 527, 529, 570, 637, 691, 713, 733	
Brattle, William, 518, 522, 543, 566, 590, 642, 662, 684, 738, 750, 761, 771, 795	
Brattle, Dr. William, . . . . .	80
Brattle, Maj. William, . . . . .	444, 445, 508
Braynton, Preserved, . . . . .	44
Breck, Rev. —, . . . . .	332
Breed, John, . . . . .	425
Breed, Mary, . . . . .	425
Brentnall, Lieut. William, . . . . .	20
Brenton's Farm, . . . . .	416
Brett, Nathaniel, . . . . .	39
Brewer, John, . . . . .	449
Brewer, Nathaniel, . . . . .	149
Brewers Hill, . . . . .	13
Briant, Solomon, . . . . .	74
Bridges, Christopher, . . . . .	605
Bridgewater, 39, 40, 83, 113, 125, 141, 239, 261, 262, 437, 474, 489, 506, 520, 528, 552, 557, 558, 559	
Briggs, Comfort, . . . . .	82
Briggs, Ebenezer, . . . . .	82, 472
Briggs, Josiah, . . . . .	454, 488
Briggs, Thomas, . . . . .	472, 473
Briggs, William, . . . . .	502, 547, 694
Brigham, John, . . . . .	794
Brigham, Martha, . . . . .	794
Brimfield, 23, 105, 127, 153, 212, 265, 266, 307, 316, 324, 379 <i>bis</i> , 401, 417, 423, 427, 511, 548, 549 <i>bis</i> , 592, 639, 680, 775	
Bristol, 34, 335, 356, 357, 358, 359, 362, 365, 366, 395, 454, 488, 519, 551, 609, 613, 622, 671, 737, 743, 773	
Bristol County, 9, 34, 44, 45, 82, 135, 147, 208, 249, 299, 291, 316, 349, 357, 377, 418, 420, 432, 433, 447, 454, 476, 488, 496, 503, 523 <i>bis</i> , 547, 551, 554, 587, 594, 601, 603, 604, 605 <i>bis</i> , 608, 609, 613, 622, 634, 635, 661, 671, 675, 725, 730, 737, 739, 743, 756, 759, 765, 773, 778, 782, 786, 798	
Broadbrook, Bariah, . . . . .	320
Brookfield, 23, 137, 145, 167, 257, 324 <i>bis</i> , 416, 427, 437, 455, 485, 486, 532, 599, 656, 680, 723	
Brookline, . . . . .	223, 310, 419, 749, 778
Brooks, Deliverance, . . . . .	417
Brooks, Hannah (an Indian), . . . . .	602
Brooks, John (an Indian), . . . . .	602
Brown, Capt. —, . . . . .	693, 763
Brown, Col. —, . . . . .	102
Brown, Allison, . . . . .	146
Brown, Lieut. Allison, . . . . .	20
Brown, Capt. Benjamin, . . . . .	738
Brown, Edmund, . . . . .	529

	PAGE		PAGE
Brown, Ephraim, . . . . .	263	Carey, Arthur, . . . . .	428
Brown, Jesse, . . . . .	757	Carey, Francis, . . . . .	15, 83, 116, 168
Brown, John, . . . . .	85, 153, 227, 228	Carey, Capt. Samuel, . . . . .	759
Brown, Joseph, . . . . .	541, 543, 603, 607, 614, 757	Carley, William, . . . . .	798
Brown, Capt. Joseph, . . . . .	115, 151, 393, 523	Carr, John, . . . . .	583
Brown, Martha, . . . . .	668	Carter, Elisabeth, . . . . .	634
Brown, Samuel, . . . . .	71	Carter, Thomas, . . . . .	634, 635
Brown, Thomas, . . . . .	431	Carver, Ezekiel, . . . . .	777
Brown Hill, . . . . .	482	Carver, John, . . . . .	583, 654
Brunswick, 15, 24, 26, 27, 50, 114, 183, 214, 248, 249, 320, 333, 342, 410 <i>bis</i> , 513, 515, 585, 593, 595, 720, 787		Cary ( <i>see</i> Carey). . . . .	
Bryant, Abigail, . . . . .	716	Casco, . . . . .	46, 51
Bryant, Benjamin, . . . . .	678, 679	Casco Bay, 32, 91, 107, 142, 165, 186, 248, 334, 509, 546, 743, 749	
Bryant, Samuel, . . . . .	716	Castle William, 12, 19, 21, 25, 28, 30, 34, 45, 55, 78, 79, 81, 88, 89, 90, 122, 124, 155, 159, 160 <i>bis</i> , 161, 169, 170, 197, 211, 229 <i>bis</i> , 234, 263, 391 <i>bis</i> , 311, 313, 318, 320, 321, 323, 371, 372, 380 <i>bis</i> , 383, 395, 409 <i>bis</i> , 411, 424, 431, 435, 442, 447, 448, 449, 478, 493, 494, 497, 502, 515, 533, 534, 555, 556, 571 <i>bis</i> , 573, 585, 762, 780 <i>bis</i> , 792	
Bryant, Sarah, . . . . .	716	Caswell, John, . . . . .	145
Bryant, Susannah, . . . . .	716	Caswell, Samuel, . . . . .	594
Bryant, Thomas, jr., . . . . .	716	Cawley, James, . . . . .	693
Bryant, Thomas (son of Thomas Bryant, jr.), . . . . .	716	Cedar Swamp, . . . . .	156
Bubbling Brook, . . . . .	102	Chadbourne, Joseph, . . . . .	473
Buckminster, Joseph, . . . . .	23, 156, 213	Chaleom, Jacob (an Indian), . . . . .	452, 550
Bucknam, Josee, . . . . .	18, 520, 521, 693	Chamberlain, Elisabeth, . . . . .	775
Bulfinch, Adino, . . . . .	116, 260	Chamberlain, John, . . . . .	778
Bulfinch, Dr. Thomas, . . . . .	18	Chamberlain, Nathaniel, . . . . .	104
Bulfinch, William, . . . . .	260	Chamberlain, Philip, . . . . .	778
Bull, Samuel, . . . . .	741, 745	Chambers, Charles, . . . . .	53, 213
Bullard, Samuel, . . . . .	514	Chandler, Col. —, . . . . .	787
Bulman, Dr. Alexander, . . . . .	42, 43, 86	Chandler, Maj. —, . . . . .	105, 111, 195, 325 <i>bis</i> , 412, 673, 703
Bungamungamuck River, . . . . .	641	Chandler, John, 127, 165, 257, 282, 306, 322, 348, 366, 413, 430, 485, 486, 511, 532, 563, 684, 738 <i>bis</i>	
Burbank, John, . . . . .	10	Chandler, John, jr., . . . . .	73, 162, 227, 228, 379, 590, 762
Burke, John, . . . . .	691	Chandler, Col. John, . . . . .	23, 455, 755
Burke, Thomas, . . . . .	529	Chandler, Maj. John, 23, 46, 109, 153, 228, 282, 378 <i>bis</i> , 379, 401, 416, 443	
Burnett, George, . . . . .	431	Chandler, Samuel, 189, 233, 325, 529, 671, 673, 703, 758, 772, 787	
Burnett, William, . . . . .	258	Chandler, William, . . . . .	303, 458, 714, 738, 775, 781
Burnett, Gov. William, 279, 337, 352, 355, 376, 397, 358, 359 <i>ter</i> , 361, 368, 369, 370, 371, 374, 382, 389, 397, 399 <i>bis</i> , 412, 415, 419, 431 <i>bis</i> , 441, 443, 758, 759		Chandler, Capt. William, . . . . .	744
Burrill, Ebenezer, 286, 609, 639, 673, 681, 684, 694, 728, 758		Chaplain, Benjamin, . . . . .	275
Burrill, Hannah, . . . . .	283	Charles, John, . . . . .	630
Burrill, Theophilus, . . . . .	159, 283, 397, 471, 484	Charles River, . . . . .	441, 543, 544 <i>ter</i> , 545 <i>bis</i> , 749
Butler, John, . . . . .	736	Charlestown, 18, 41, 68, 89, 112, 177, 267, 285, 364, 373, 506, 509, 520 <i>bis</i> , 521, 587, 609, 619, 672, 693, 741, 742, 745 <i>bis</i>	
Butler, John, jr., . . . . .	736	Charming Jenny, the ship, . . . . .	161
Butler, Simeon, . . . . .	75, 656, 736	Charnock, John, . . . . .	283
Buxton (Maine), . . . . .	769	Charnock, Capt. John, . . . . .	283
Byfield, . . . . .	477, 486, 570, 581, 618	Charnock, William, . . . . .	283
Byfield, Nathaniel, 52, 53, 109, 113, 169, 183, 198, 213, 239, 279, 284, 290, 300, 301, 317, 322, 388, 397		Chase, Joseph, . . . . .	44
Byles, Josias, . . . . .	798	Chase, Noah, . . . . .	249
Byram, Ebenezer, . . . . .	39	Chase, Dea. Thomas, . . . . .	583
Bysby, —, . . . . .	233, 605, 620, 795	Chaubaunagungamug, Chaubunagunamug ( <i>see</i> Chaubunagungamaug).	
Bysby, Elisha, . . . . .	584, 604, 612	Chaubunagungamaug Pond, . . . . .	412, 582, 625
<b>C.</b>			
Cagnawaga Indians, . . . . .	340, 348, 600, 686	Chauncey, Charles, . . . . .	705
Caldwell, John, . . . . .	140	Chebaquedock, island of, . . . . .	75
Califf, John, . . . . .	281	Checkley, Samuel, . . . . .	138, 418, 590, 641
Califf, Peter, . . . . .	280	Checkley, Rev. Samuel, . . . . .	288, 461, 573, 747
Cambridge, 44, 49, 310, 346, 387, 388, 397, 429, 441, 443, 444, 445, 448, 472, 508, 517, 525, 543, 544 <i>ter</i> , 545 <i>bis</i> , 546, 587, 664, 693, 740, 741, 749, 753, 771, 790		Cheever, —, . . . . .	198
Came, Capt. —, . . . . .	636	Cheever, Ames, . . . . .	715
Campbell, George, . . . . .	565	Cheever, Ames [jr.], . . . . .	716
Canada, 14, 36, 104, 109, 115, 180, 271, 273, 281, 331 <i>bis</i> , 332, 340, 347, 348, 391, 491, 643, 681, 735		Cheever, Ruth, . . . . .	716
Canada ( <i>see</i> Kennedy).		Cheever, Thomas, . . . . .	239, 286
Cape Sable, . . . . .	84, 251, 347	Chelmsford, 28, 309, 440, 446, 459, 763, 764	
Carery, Benjamin, . . . . .	783		
Carery, Roger, . . . . .	783, 784		

# INDEX OF NAMES.

807

	PAGE
Chickering, Samuel, . . . . .	462
Chicopee, . . . . .	105
Chicopee River, . . . . .	727
Child, Timothy, . . . . .	719
Child, Lieut. Timothy, . . . . .	333
Chilmark, . . . . .	606, 628, 690
Choate, —, . . . . .	667, 703, 733, 765, 775
Choate, John, . . . . .	677, 738, 762, 767, 787, 790, 791, 795
Christian (old), squaw of, . . . . .	55
Christian (an Indian woman), . . . . .	390
Church, Col. —, . . . . .	474, 564, 616, 687, 705, 787
Church, Benjamin, . . . . .	563
Church, Col. Benjamin, . . . . .	677
Church, Charles, . . . . .	147, 490, 563, 609, 613, 677, 762, 787
Church, Col. Charles, . . . . .	773
Church, Joshua, . . . . .	592
Church, Thomas, . . . . .	231, 446, 563, 677
Clapp, Ezra, . . . . .	605, 730
Clark, Capt. Edward, . . . . .	754
Clark, Elizabeth, . . . . .	597
Clark, Lieut. Jacob, . . . . .	192
Clark, James, . . . . .	511
Clark, John, . . . . .	126, 289
Clark, Mary, . . . . .	597
Clark, Richard, . . . . .	597
Clark, Samuel, . . . . .	791
Clark, Thomas, . . . . .	423, 597
Clark, Capt. Timothy, . . . . .	389
Clark, William, 145, 206, 472, 504, 527, 535, 543, 628, 662, 673, 676, 693, 728, 737, 792	
Clement, John, . . . . .	368, 369
Clement, Nathaniel, . . . . .	789
Cobb, John, . . . . .	597
Cobb, Samuel, . . . . .	450
Cobbet, John, . . . . .	323, 429
Cockrain, Andrew, . . . . .	531
Coffin, Enoch, . . . . .	76, 732
Coffin, John, . . . . .	685, 705, 714
Coffin, Nathaniel, . . . . .	40, 583
Coffin, Peter, . . . . .	344, 730
Coffin, William, . . . . .	555
Cohasset, . . . . .	212, 244
Colburn, Henry, . . . . .	724
Colburn, Joseph, . . . . .	102
Colburn, William, . . . . .	384
Coldry, William, . . . . .	665, 666
Cold Spring, . . . . .	680
Cold Spring Stone Bridge, . . . . .	489
Cole, Abner, . . . . .	454
Cole, Jonathan, . . . . .	668
Collar, Richard, . . . . .	71, 80
Collins, Francis, . . . . .	110, 282
Collins, John, . . . . .	366, 307, 319, 327
Collins, Rev. John, . . . . .	110, 153, 282
Collins, Nathaniel, . . . . .	309
Collins, Nathaniel, jr., . . . . .	630
Collins Farm, . . . . .	81
Colman, Eleazer, . . . . .	247
Colton, Isaac, jr., . . . . .	715
Colton, Joseph, . . . . .	702, 703, 720, 760
Colton, Capt. Thomas, . . . . .	369, 715
Conant, Robert, . . . . .	529
Concord, 59, 139, 230, 267, 329, 345, 361, 373, 384, 440, 446, 615, 776, 790	
Concord River, . . . . .	385
Condict, George, . . . . .	78, 143
Coney, Nathaniel, . . . . .	224, 359
Connecticut, 10, 12, 110, 153, 282, 306, 319, 327, 604, 628, 668, 684, 696, 702, 753, 783, 790, 795	

	PAGE
Connecticut River, 104, 190, 271, 272, 274, 330, 351, 426, 522, 632, 663, 664, 675, 696, 697, 699, 704, 725, 728, 730, 756, 760, 762	
Contoocook River, . . . . .	48, 714
Coochuck, Nathaniel (an Indian), . . . . .	365, 366
Coochuck, Thomas (an Indian), . . . . .	272
Cook, —, 258, 266, 337, 397, 463, 472, 473, 487, 520, 527, 535, 567, 600, 605, 612, 616 <i>his</i> , 620, 640, 778	
Cook, David, . . . . .	275
Cook, Elisabeth, . . . . .	370
Cook, Elisha, 46, 74, 120, 168, 207, 279, 289, 290, 370, 382, 393, 415, 456, 471, 531, 543, 563, 584, 612, 688	
Cook, Jane, . . . . .	120
Cook, John, . . . . .	335, 336, 685, 720
Cook, Joseph, . . . . .	335
Cook, Josiah, . . . . .	275
Cook, Samuel, . . . . .	335
Cook, William, . . . . .	13, 370, 371
Cookson, John, . . . . .	226, 227
Cooley, Benjamin, . . . . .	630
Coolidge, Isaac, . . . . .	449, 457, 458
Coolidge, Joseph, . . . . .	227
Cooper, Edward, . . . . .	188
Cooper, Jonas (an Indian), . . . . .	126
Cooper, Samuel, . . . . .	605
Cooper, Timothy, . . . . .	377
Corey, Jacob, . . . . .	724
Corey, John, . . . . .	272
Cornwall, Capt., . . . . .	62
Cors, James, . . . . .	491, 492
Cotton, John, . . . . .	753
Cotton, Josiah, . . . . .	634, 691
Coulton ( <i>see</i> Colton).	
Covel, Rebecca, . . . . .	291
Coverly, Anthony, . . . . .	553
Cowing, John, . . . . .	386, 456
Cowing, John, jr., . . . . .	454
Crabtree, Benjamin, . . . . .	651, 754, 773
Craft, John, . . . . .	633
Craft, Jonathan, . . . . .	206
Crane, Henry, . . . . .	682
Crisde, John, . . . . .	150, 158, 166
Crocker, Benjamin, . . . . .	76
Crocker, Jonathan, . . . . .	13
Crocker, Richard, . . . . .	497
Crook, Joseph (an Indian), . . . . .	22
Crouch, Jonathan, . . . . .	594
Cruff ( <i>see</i> Crust).	
Crust, Mary, . . . . .	633
Crust, William, . . . . .	632, 633
Cudworth, David, . . . . .	34
Cudworth, James, . . . . .	34
Cummins, Samuel, . . . . .	594
Cunningham, William, . . . . .	308
Curtis, Ephraim, . . . . .	343, 755
Curtis, Capt. Ephraim, . . . . .	233, 283, 299, 422, 483
Curtis, Moses, . . . . .	333, 352, 367
Cushing, —, 212, 258, 279, 472, 526, 527, 535, 616, 693, 733	
Cushing, Adam, . . . . .	512
Cushing, Ezekiel, . . . . .	155
Cushing, John, . . . . .	12, 260, 284, 301, 395, 415
Cushing, John, jr., . . . . .	691
Cushing, Joshua, . . . . .	125
Cushing, Nehemiah, . . . . .	73
Cushing, Thomas, 39, 46, 52, 73, 165, 174, 183, 195, 198, 207, 228, 232, 239, 290, 314, 369, 382, 395, 397, 398, 431, 436, 463, 464, 471, 472, 543, 556, 584, 600, 616, 621, 673, 734, 739, 762, 768	
Cushing, Thomas, jr., . . . . .	286, 617, 771

	PAGE
Cushman, Rev. —, . . . . .	676
Cushman, Eleazer, . . . . .	676
Cutler, James, . . . . .	664, 693
Cutler, Dr. Timothy, . . . . .	262
Cutt, Richard, . . . . .	154, 155
Cutting, Jonas, . . . . .	284

**D.**

Daby, John, . . . . .	594
Daggett, Thomas, . . . . .	375
D'alth, John, 312, 317, 318, 350, 360, 366, 367, 390, 391, 422, 501, 602, 753	
Dane, Philemon, . . . . .	769
Danforth, Samuel, . . . . .	556, 626, 653
Danforth, Thomas, . . . . .	505, 510
Daniel, William, . . . . .	754, 774
Danson, George, . . . . .	394
Darling, James, . . . . .	632
Darling, John, . . . . .	143, 144
Dartmouth, . . . . .	74, 177, 622
Davenport, Addington, 52, 53, 145, 198, 213, 239, 279, 290, 397, 619, 705	
Davenport Farm, . . . . .	81
David, Jenima (an Indian), . . . . .	604, 634
David, Stephen (an Indian), . . . . .	604, 634
Davis, Eleazer, . . . . .	28, 594
Davis, James, . . . . .	150, 195
Davis, Simon, . . . . .	237, 687
Davis, Stephen, . . . . .	384
Davis, Dr. William, . . . . .	18, 80
Davison, Edith, . . . . .	481, 498
Davison, William, . . . . .	481, 498
Day, Ralph, . . . . .	463
Day, Samuel, . . . . .	69, 336
Day, Stephen, . . . . .	455 <i>bis</i>
Death ( <i>see</i> D'alth).	
Debuke, Thomas, . . . . .	605, 702, 720, 760, 775
Pedham, 102, 144, 175, 206, 231, 357, 358, 368, 462, 463, 514, 516, 596, 682, 692, 701, 706, 718, 721, 761, 765, 788, 797	
Deerfield, . . . . .	491, 719, 735, 760
Denison, Mary, . . . . .	86
Denny, Samuel, . . . . .	345
Dewey, Capt. Adijah, . . . . .	27, 137
Dickenson, Obadiah, . . . . .	724
Dickenson, Samuel, . . . . .	735
Dighton, 82, 207, 432, 472, 473, 542, 563, 564, 679, 680, 773	
Dimmock, Joseph, . . . . .	36, 223
Dimmock, Lieut. Joseph, . . . . .	148, 401
Ditch Meadow Hill, . . . . .	598, 599
Doak, William, . . . . .	203
Doane, John, . . . . .	209, 210, 225
Doane, Joseph, . . . . .	137
Dogget, Thomas, . . . . .	680
Dolbear, Sarah, . . . . .	524
Dolbear, Thomas, . . . . .	524
Dole, Joseph, . . . . .	714
Donnel, Nathaniel, . . . . .	54
Dorchester, . . . . .	102, 140, 225, 239, 272, 506, 552
Dorrell, John, . . . . .	32, 303, 452
Dorrell, Phillip, . . . . .	303
Doty, Samuel, . . . . .	84
Downey ( <i>see</i> Dewey).	
Dowel, Richard, . . . . .	30
Downer, Moses, . . . . .	582
Downes, William, . . . . .	524
Dowse, Jonathan, . . . . .	326, 451 <i>bis</i> , 489
Dragon, the sloop, . . . . .	57, 61, 157
Draper, Ebenezer, . . . . .	682

	PAGE
Draper, James, . . . . .	682, 691, 706
Draper, Jonathan, . . . . .	143, 276, 394
Draper, Lydia, . . . . .	475, 503
Dring, Thomas, . . . . .	420
Dudley, . . . . .	651, 681, 690
Dudley, Col. —, . . . . .	397, 546
Dudley, Joseph, . . . . .	75
Dudley, Joseph (ex-Governor of Massachusetts), 394, 582	
Dudley, Paul, 8, 53, 140, 141, 145, 263, 310, 582, 584, 605, 637, 638	
Dudley, William, 114, 282, 306, 310, 388, 433, 506, 526, 527, 532, 552, 557, 559, 567, 584, 590, 592, 612, 616, 621, 640, 673, 684, 687, 688, 691, 703, 705, 706, 734, 749, 773, 787 <i>bis</i> , 788, 795	
Dudley, William (Speaker of the House of Representatives), 18, 52, 53, 122, 182, 183, 184, 258, 279, 289 <i>bis</i> , 290, 306, 322, 328, 357, 444, 543, 765	
Dudley, Col. William, . . . . .	153
Duines, Nathaniel, . . . . .	139
Dukes County, 66, 126, 187, 241, 291, 476, 606, 628, 634, 671, 690, 732, 736, 778	
Dummer, Jeremiah, . . . . .	53, 114, 117 <i>bis</i> , 187, 268, 269
Dummer, Samuel, . . . . .	505
Dummer, William, 19, 81, 161, 162, 229, 380 <i>bis</i> , 409, 448, 497	
Dummer, Lieut. Gov. William, 12, 18, 19, 32, 34, 46, 51 <i>bis</i> , 52, 53, 54, 62 <i>bis</i> , 63 <i>bis</i> , 64 <i>ter</i> , 65, 66, 72, 76, 77, 80, 81, 84 <i>bis</i> , 91 <i>bis</i> , 92, 94, 96, 99, 108, 109, 111, 117, 123, 146, 152, 157, 164, 171, 172 <i>bis</i> , 173, 174, 181, 183, 184, 190, 191 <i>ter</i> , 193 <i>ter</i> , 195, 196, 197, 198, 200, 202, 203, 215, 226 <i>bis</i> , 230, 246, 254, 256, 260, 271, 280, 281, 287, 289, 314, 316, 317, 318, 321, 327, 329, 337, 339, 340, 365, 431, 432, 435, 444, 474, 603	
Dunbar, George, . . . . .	496, 551
Dunstable, 24, 59, 112, 143, 283, 416, 493, 494, 514, 557, 564, 626, 653, 661, 740, 787	
Dunstan, Jonathan, . . . . .	210
Durell, Capt. Thomas, . . . . .	749
Dutch, Elisabeth, . . . . .	388, 459
Dutch, Osman, . . . . .	555
Dutch's Saw Mill Dam, . . . . .	639
Duxborough, . . . . .	85
Duxbury, . . . . .	13, 33, 117, 127, 789
Dwight, Daniel, . . . . .	97
Dwight, Elisha, . . . . .	775
Dwight, Henry, . . . . .	167, 775
Dwight, Joseph, . . . . .	775
Dwight, Josiah, . . . . .	775
Dwight, Michael, . . . . .	765
Dwight, Nathaniel, . . . . .	781
Dwight, Seth, . . . . .	775
Dwight, Simeon, . . . . .	775
Dwight, Timothy, . . . . .	11, 663, 678, 727, 728, 730, 744, 775
Dwight, Capt. Timothy, 29, 95, 104, 106, 109, 110, 115, 152 <i>bis</i> , 212, 309, 423, 485, 486	
Dye, Edward, . . . . .	555
Dyer, Barrett, . . . . .	250
Dyer, Col. Gyles, . . . . .	142
Dyer, Capt. John, . . . . .	135, 299, 478, 621, 700
Dyer, Mrs. Mary, . . . . .	142
Dyke, Rowland, . . . . .	275, 338, 346

**E.**

Eagle, the ship, . . . . .	201
Eames, Nathaniel, . . . . .	136, 763
Eames, Samuel, . . . . .	326
East, John, . . . . .	670
Eastbrook, Estabrooke ( <i>see</i> Estabrook).	

# INDEX OF NAMES.

809

	PAGE
Eastern Indians, 92, 99, 105, 106, 193, 197, 198, 203, 209, 316, 345, 346, 519, 600, 614, 657, 659, 670, 748, 784 <i>bis</i>	
Eastham, . . . . .	71, 137, 209, 210, 225, 668, 757
Easton, . . . . .	261, 262, 377, 594
Eastwick, Capt. Stephen, . . . . .	361, 377, 387
Eaton, Benjamin, . . . . .	678
Eaton, John, . . . . .	682
Eaton, Thomas, . . . . .	560
Eddy, Caleb, . . . . .	228
Eddy, Ebenezer, . . . . .	519, 601
Eddy, Jabez, . . . . .	676
Edgartown, . . . . .	656, 671, 736, 784
Edmunds, Joseph, . . . . .	651, 690
Edwards, Benjamin, . . . . .	189, 680
Edwards, Capt. Benjamin, . . . . .	375
Elbows, . . . . .	680, 793
Elder, John, . . . . .	554
Elisabeth River, . . . . .	497
Elisabethtown, . . . . .	682
Elliot, Benjamin, 98, 99, 120, 266, 267, 387 <i>bis</i> , 460, 672, 681, 696, 697, 731, 782, 796	
Elliot, Elisabeth, . . . . .	572
Elliot, John, . . . . .	524, 753
Elliot, John (son of John Elliot), . . . . .	753
Elliot, Rev. John, . . . . .	149
Elliot, Jonathan, . . . . .	153
Elliot, Mary, . . . . .	753
Ellis, Eleazer, . . . . .	452, 463
Ellis, Elisabeth, . . . . .	274
Ellis, John, jr., . . . . .	223
Ellis, Joseph, . . . . .	175, 701, 721, 761, 765, 797
Ellis, Dr. Robert, . . . . .	274
Elsworth, John, . . . . .	753
Emerson, John, . . . . .	609, 610, 662
Emerson, Mary, . . . . .	662
Emerson, Sarah, . . . . .	609
Endeavor, the sloop, 86, 179, 257, 336, 386, 432, 494, 513, 598	
Endicott, Gov. —, . . . . .	48, 354
Enfield, . . . . .	212, 656, 796
England, . . . . .	205, 206, 500, 638, 741
Epes, Daniel, . . . . .	286, 588
Epes, Capt. Daniel, . . . . .	46
Epes, Maj. Daniel, . . . . .	451 <i>bis</i> , 787
Epes, Symonds, . . . . .	581, 618, 677
Ephraim, Joseph (an Indian), . . . . .	376
Ephraim, Joseph, jr. (an Indian), . . . . .	501
Espegweeret (an Indian), . . . . .	251
Essex County, 7, 157, 159, 164, 210, 211, 234, 236, 237, 276, 286, 300, 358, 375, 385, 425, 426, 428, 453, 500 <i>bis</i> , 510, 560, 587, 633, 641, 662, 665, 686, 695, 727, 731, 739, 779, 791	
Estabrook, Daniel, . . . . .	475, 503
Estabrook, Elijah, . . . . .	569
Estabrook, Joseph, . . . . .	475
Esty, Nathaniel, . . . . .	455
Evans, John, . . . . .	138
Evans, Nathaniel, . . . . .	138
Evans, Samuel, . . . . .	138
Evelith, Rev. John, . . . . .	21, 101
Evered ( <i>see</i> Everett).	
Everett, Ebenezer, . . . . .	629
Everett, John, . . . . .	368, 516
Everett, William, . . . . .	514

## F.

Fairbank, Eleazer, jr., . . . . .	318
Fairfield, . . . . .	486
Fales, Timothy, . . . . .	675
Falkner, Elisabeth, . . . . .	694, 759

Falkner, Thomas, . . . . .	694, 759
Falmouth, 46, 51, 74, 76, 77, 93, 106, 107, 143, 146, 157, 164, 165, 183, 186, 190, 191 <i>bis</i> , 194, 203 <i>bis</i> , 205, 215, 226 <i>bis</i> , 254, 271, 334, 360, 365, 374, 438, 450, 456, 480, 505, 607, 631, 634, 641, 658, 669, 670, 698, 699, 732, 748, 749, 769	
Fanenil, Andrew, . . . . .	167, 168, 493
Farewell, John, . . . . .	773
Farewell, Henry, jr., . . . . .	235
Farewell, Capt. Henry, . . . . .	17
Farley's Mill Dam, . . . . .	639
Farmer, Thomas, . . . . .	724, 727
Farnham, David, . . . . .	385, 394
Farnsworth, Isaac, . . . . .	627
Farnsworth, Jeremiah, . . . . .	594
Farnsworth, Jonathan, . . . . .	594
Farnsworth, Jonathan, jr., . . . . .	594
Farnsworth, Reuben, . . . . .	594
Farrar, John, . . . . .	115
Farren, Jonathan, . . . . .	724
Farrow, John, . . . . .	109, 447
Fay, James, . . . . .	304
Fay, John, . . . . .	304
Fayal, island of, . . . . .	142
Fellows, Richard, . . . . .	423
Felt, Joseph, . . . . .	197
Felt, Sarah, . . . . .	197, 198
Felton, Shelton, . . . . .	255
Fessenden, Rev. —, . . . . .	595
Field, Zechariah, . . . . .	704
Fingley, Timothy, . . . . .	651
Finney ( <i>see</i> Phinney).	
Fish, Elnathan, . . . . .	13
Fish, Josiah, . . . . .	603
Fish, William, . . . . .	618
Fisher, Amos, jr., . . . . .	102
Fisher, James, . . . . .	175
Fisher, Joshua, . . . . .	357, 358
Fiske, Nathan, . . . . .	568
Fiske, Rev. Samuel, . . . . .	398, 444
Fitch, Col. —, . . . . .	415
Fitch, Nathaniel, . . . . .	773
Fitch, Thomas, 52, 145, 183, 198, 213, 239, 266, 279, 290, 330, 397, 431, 472, 526, 527, 535, 543, 567	
Fitch, Zachariah, . . . . .	548, 619
Fitzsimmons, William, . . . . .	94, 115
Flagg, Benjamin, . . . . .	632, 675
Flagg, Eleazer, . . . . .	384
Fleet, Thomas, . . . . .	445, 461, 475, 492, 529
Fletcher, Joshua, . . . . .	553, 562
Fletcher, Pendleton, . . . . .	139
Fletcher, Robert, . . . . .	661, 695, 776
Flint, Benjamin, . . . . .	396
Flint, Rev. Henry, . . . . .	444
Floyd, Daniel, . . . . .	290
Flynt ( <i>see</i> Flint).	
Fobes, Ephraim, . . . . .	141
Font Meadow, . . . . .	102
Foot, Capt. John, . . . . .	338
Forbes, Ephraim, . . . . .	474
Ford, Andrew, . . . . .	506, 552, 557, 559
Ford, Chadwalliter, . . . . .	44
Fore River, . . . . .	732
Forster, Abiel, . . . . .	724
Fort at Casco, . . . . .	14
Fort Dummer, 29, 97, 104, 110, 115, 152 <i>bis</i> , 424, 699, 787	
Fort George, 15, 24, 25, 26, 50, 111, 114, 183, 247, 248, 320, 339, 341, 342, 381, 410 <i>ter</i> , 513 <i>bis</i> , 555, 593 <i>bis</i> , 595,	

	PAGE		PAGE
Fort Mary, . . . . .	101 <i>ter</i> , 121, 139, 162, 173, 174, 175 <i>bis</i> , 196, 205, 341 <i>bis</i> , 357, 390, 391, 377, 400, 402, 460, 461, 509, 514, 569, 759	George, —, . . . . .	269
Fort at Richmond, . . . . .	31, 90, 93, 125, 152, 192, 194, 234, 244, 245, 251, 252, 319, 351 <i>ter</i> , 414, 436, 450 <i>bis</i> , 492, 512, 535, 596, 652, 669, 748, 771	George (the sloop), . . . . .	19
Fosdick, John, . . . . .	383	Georgetown, . . . . .	345
Fosket, Robert, . . . . .	594	Gerrish, Maj. —, . . . . .	190, 471, 609
Foster, —, . . . . .	679	Gerrish, Capt. John, . . . . .	13, 127
Foster, Capt. —, . . . . .	474, 616, 620, 640, 687, 705	Gerrish, Joseph, . . . . .	526, 583
Foster, Comfort, . . . . .	225	Gerrish, Samuel, . . . . .	58, 163, 173, 263
Foster, John, . . . . .	84, 263, 506, 532, 552	Gerrish, Timothy, . . . . .	703
Foster, Capt. John, . . . . .	311, 490, 542, 673	Gibbons, Henry, . . . . .	201
Foster, Josiah, . . . . .	118	Gibbons, Judith, . . . . .	590
Fountain Hill, . . . . .	581	Gibbs, John, . . . . .	307
Fowle, John, jr., . . . . .	235	Gibbs, Dr. Robert, . . . . .	368
Fowle, Capt. John, . . . . .	159	Gibson, Timothy, . . . . .	529
Fowle, Mary, . . . . .	520	Glesson, John, . . . . .	425
Fox, Rev. John, . . . . .	726, 729	Gloucester, . . . . .	314, 429, 555, 561, 572
Foxcroft, Rev. —, . . . . .	263	Glover, Benjamin, . . . . .	413
Foxcroft, Francis, . . . . .	511, 533, 573, 734, 739, 746, 762, 774, 795	Glover, Peletiah, . . . . .	326
Foye, William, . . . . .	504	Goddard, Capt. —, . . . . .	169, 233, 479, 518, 613, 637, 691
Framingham, . . . . .	23, 59, 68, 213, 397, 398, 370, 535, 545, 546, 587, 716, 717	Goddard, Edward, . . . . .	343, 366, 755, 792
France, . . . . .	643	Goddard, Capt. Edward, . . . . .	46, 159, 282, 283, 299, 312, 422, 483
Franklin, David, . . . . .	10	Goddard, John, . . . . .	31
Franklin, Henry, . . . . .	167, 493	Goffe, Edmund, . . . . .	177, 178
Freeman, Capt. —, . . . . .	553	Goffe, Col. Edmund, . . . . .	44, 115
Freeman, Edmund, . . . . .	269	Goffe, Thomas, . . . . .	795
Freeman, Capt. Edmund, . . . . .	234	Gofftown (New Hampshire), . . . . .	735
Freetown, . . . . .	432, 447, 454	Gold — <i>see</i> Gould, . . . . .	
French, Lieut. —, . . . . .	514	Gooch, James, . . . . .	71
French, Abigail, . . . . .	349	Goodenough, John, . . . . .	458, 476, 479
French, John, . . . . .	319, 523, 567	Goodenough, Sarah, . . . . .	794
French, Samuel, . . . . .	59	Goodman, Thomas, . . . . .	243
Frink, Thomas, . . . . .	715	Goodrich, Capt. —, . . . . .	345
Frink, Thomas, jr., . . . . .	716	Goodrich, Benjamin, . . . . .	281
Frost, Thomas, . . . . .	476	Goodwin, Lazarus, . . . . .	40
Frothingham, Samuel, . . . . .	596	Goodwin, Timothy, . . . . .	138
Fulham, Col. —, . . . . .	472, 479	Googe — <i>see</i> Gooch, . . . . .	
Fulham, — (justice), . . . . .	390	Goose Cove, . . . . .	314
Fulham, Francis, . . . . .	106, 339, 312, 425, 449, 452, 457, 458, 501, 550, 596, 692, 731, 742	Gordon, John, . . . . .	667
Fuller, Edward, . . . . .	529	Gorges, Sir Ferdinando, . . . . .	519
Fuller, John, . . . . .	358	Gorham, Shubael, . . . . .	194, 192, 197, 662, 779
Fuller, Jonathan, . . . . .	336	Gorham, Col. Shubael, . . . . .	358
Fuller, Samuel, . . . . .	94	Gorham (Maine), . . . . .	779
Furbush, Jonathan, . . . . .	304	Goshen, . . . . .	326
		Gould, David, . . . . .	285, 509
		Gould, Isaac, . . . . .	306
		Gowen, Benjamin, . . . . .	275
		Grafton, Samuel, . . . . .	760, 791
		Grant, Capt. James, . . . . .	279, 344, 377, 425, 434, 446
		Graves, Ebenezer, . . . . .	454, 630
		Graves, John, . . . . .	304
		Gray, Capt. John, . . . . .	81, 123
		Great Britain, . . . . .	89, 91, 117, 120, 313, 487, 504, 524, 586, 612, 749
		Great Brook, . . . . .	775
		Great Meadow Brook, . . . . .	678
		Greely, Andrew, . . . . .	779
		Greely, Benjamin, . . . . .	779
		Greely, Philip, . . . . .	779
		Green, —, . . . . .	791
		Green, Capt. —, . . . . .	212
		Green, Bartholomew, . . . . .	11 <i>bis</i> , 77, 78, 146, 185, 267, 314 <i>bis</i> , 380, 411 <i>bis</i> , 445, 446, 492
		Green, David, . . . . .	138
		Green, John, . . . . .	493, 508, 721
		Green, Nathaniel, . . . . .	183, 198, 207, 239
		Green, Samuel, . . . . .	230, 256
		Green, Thomas, . . . . .	138
		Green, William, . . . . .	138
		Greenland, . . . . .	695

# INDEX OF NAMES.

811

	PAGE
Greenleaf, Rev. Daniel, . . . . .	187
Greenleaf, Stephen, . . . . .	264, 437, 633, 688
Greenleaf, Capt. Stephen, . . . . .	791
Greenwich Hospital, . . . . .	693, 713, 758
Greenwood, Mary, . . . . .	283
Greenwood, Samuel, . . . . .	283
Gregory, Richard, . . . . .	196
Greyhound, the sloop, . . . . .	222 <i>bis</i>
Griffin's Ferry, . . . . .	285
Groton, . . 96, 139, 267, 324, 482, 485, 516, 529, 593, 591, 604, 678, 790	
Gulston, Ralph, . . . . .	91
Gun, —, . . . . .	105, 177, 462
Gun, John, . . . . .	17, 162, 176, 257, 485
Gyles, Capt. John, . . 24, 25 <i>bis</i> , 28, 31, 66, 72, 73, 76, 199 <i>bis</i> , 202, 204, 245, 248, 251, 256, 261 <i>bis</i> , 289, 305, 338, 347 <i>bis</i> , 381, 386, 387, 414 <i>bis</i> , 495, 596	

## II.

Hack, William, . . . . .	669, 730, 731
Hackett, Samuel, . . . . .	400
Hadley, . . 29, 145, 243, 351, 352, 416, 630, 656, 668, 722, 723, 724, 756, 779	
Hagar, Benjamin, . . . . .	432, 433
Haggat, Mrs. Mary, . . . . .	120, 207
Hale, Joseph, . . . . .	373, 451
Hale, Capt. Joseph, . . . . .	451
Hale, Moses, . . . . .	195, 252
Hale, Robert, . . . . .	787
Hale, Thomas, . . . . .	627
Halcy, Benjamin, . . . . .	514
Hall, —, . . . . .	212, 472, 526, 527, 600
Hall, Cornelius, . . . . .	93, 163, 322
Hall, Elisabeth, . . . . .	113
Hall, Enoch, . . . . .	37, 99, 100
Hall, Jane, . . . . .	94
Hall, Nathaniel, . . . . .	264
Hall, Samuel, . . . . .	233
Hall, Stephen, . . . . .	183, 198, 239, 401, 415, 543
Hallet, Thomas, . . . . .	22
Halloway, Joseph, . . . . .	679, 680
Halloway, Malachi, . . . . .	679, 680
Hallowell, Benjamin, . . . . .	437
Hallowell, William, . . . . .	437
Ham, Ann, . . . . .	197
Ham, Tamosin, . . . . .	197
Hamblet's Brook, . . . . .	603
Hammond (Mr. Justice), . . . . .	524
Hammond, Benjamin, . . . . .	681
Hammond, Elisabeth, . . . . .	554
Hammond, Jonathan, . . . . .	618
Hammond, Joseph, . . . . .	46, 77, 226, 722
Hampshire County, . . 7, 12, 105, 112, 136, 137, 145, 167, 262, 271, 277, 299, 305, 322, 323, 330, 336, 351, 369, 522, 562, 632, 636, 640, 701, 702, 704, 715, 717, 719, 720, 728, 735, 747, 775, 781, 792	
Hancock, Thomas, . . . . .	332, 421
Hannakooksy Falls, . . . . .	785
Hanover, . . . . .	145, 512
Hapgood, Shadrack, . . . . .	594
Harden, Benjamin, . . . . .	451
Hardy, Lieut. —, . . . . .	40
Hardy, Daniel, . . . . .	304
Hare, Thomas, . . . . .	281
Harman, Col. —, . . . . .	70, 206
Harman, Col. Johnson, . . 71, 97, 172, 190, 203, 389, 615	
Harman, Lieut. Col. Johnson, . . . . .	75
Harradine, John, . . . . .	47

	PAGE
Harrestoy, —, . . . . .	621
Harris, Richard, . . . . .	388, 491
Harris, Susannah, . . . . .	388, 459, 491
Harry, Jethro (an Indian), . . . . .	327
Hartford, . . . . .	396, 394
Hartwell, Edward, . . . . .	281, 619, 724
Hartwell, Ruth, . . . . .	384
Hartwell, Samuel, . . . . .	384
Harvard, . . . . .	663, 678, 681, 796
Harvard College, . . 86, 182, 328, 431, 443, 477, 546, 570, 746, 751, 771, 778	
Harwich, . . . . .	97, 234, 320, 321
Harwood, John, . . . . .	625
Harwood, Peter, . . . . .	384
Harwood, William, . . . . .	493
Haskell, —, . . . . .	319
Hassanimesco, . . 169, 233, 240, 243, 283, 299, 300, 343, 422, 423, 430, 503, 532, 599, 671, 672, 725	
Hassanimesco Indians, . . 169, 233, 240, 243, 283, 299, 300, 343, 422, 483, 599, 689, 725, 755	
Hastings, John, . . . . .	195
Hastings, Nathaniel, . . . . .	227
Hastings, Dr. Thomas, . . . . .	112
Hatch, Capt. Benjamin, . . . . .	342
Hatch, Edmund, . . . . .	454, 519
Hatch, Capt. Joseph, . . . . .	342
Hatch, Josiah, . . . . .	454
Hatch, Samuel, . . . . .	312
Hatfield, . . . . .	104, 274, 718, 719, 722, 723, 724, 756
Hatherly, —, . . . . .	552
Hathorn, Maj. William, . . . . .	653
Hathorn's Farm, . . . . .	564, 628, 653 <i>bis</i>
Haven, Moses, . . . . .	555
Haverhill, . . 48, 108, 210, 234, 236, 250, 300, 303, 323, 368, 369, 375, 396, 398, 688, 718, 779, 789, 791 <i>bis</i>	
Hawley, Capt. —, . . . . .	485
Hawley, Joseph, . . . . .	136, 299, 322, 717
Hayes, Capt. John, . . . . .	38, 191, 211, 302, 603, 622
Haynes, John, . . . . .	518
Hayward, Jonathan, . . . . .	474
Hayward, Samuel, . . . . .	606, 609, 639
Hayward, William, . . . . .	586
Haywood, David, . . . . .	783
Haywood, Nathan, . . . . .	559
Haywood, Nathaniel, . . . . .	743
Hazelton, John, . . . . .	765
Hazen, Richard, Jr., . . . . .	317, 396, 430, 714
Hazen, Samuel, . . . . .	570
Head, Benjamin, . . . . .	547, 604
Head, Jonathan, . . . . .	547, 548
Head, William, . . . . .	547, 604
Heald, Timothy, . . . . .	353, 374, 562, 683
Healy, Benjamin, . . . . .	308
Healy, John, . . . . .	308
Healy, Samuel, . . . . .	308
Heath, Joseph, . . . . .	107
Heath, Capt. Joseph, . . 31, 32, 62, 70, 90, 96, 111, 152, 155, 192, 194, 232, 244, 245, 252, 319, 345, 371, 381 <i>ter</i> , 414, 450 <i>bis</i> , 451, 492, 493, 491, 512, 513, 535, 545, 596	
Hedman, Philip, . . . . .	201
Henchman, Daniel, . . . . .	213
Herriman, Nathaniel, . . . . .	618
Herrington, Joseph, . . . . .	741
Herrington, Samuel, . . . . .	304
Hewes, Robert, . . . . .	94
Hewes, Solomon, . . . . .	345, 606
Hewlet, John, . . . . .	739, 752
Higginson, —, . . . . .	688
Higginson, John, . . . . .	286





## INDEX OF NAMES.

813

[illegible]

	PAGE		PAGE
Keyes, Capt. John, . . . . .	233	Leonard, Elkanah, . . . . .	651, 674
Kibby, James, . . . . .	548, 619, 620, 664, 699	Leonard, George, . . . . .	349
Killburn, John, . . . . .	105	Leonard, Maj. George, . . . . .	153
Killingly, . . . . .	319, 327	Leonard, Josiah, . . . . .	632
Kimball, Capt. Samuel, . . . . .	715	Lespinans, —, . . . . .	516
King, John, . . . . .	113, 613	Leverett, John, . . . . .	86
King, Capt. John, . . . . .	319, 327	Levet, Joseph, . . . . .	10
King, Mary, . . . . .	82, 472, 473	Lewis, —, . . . . .	168, 182, 212, 266, 279, 322, 337, 463, 472, 488, 526, 527, 535, 567
King, Philip, . . . . .	613	Lewis, Ebenezer, . . . . .	7, 135, 337, 486, 588, 667, 713
King George, the First, . . . . .	9, 29, 188, 213, 680, 799	Lewis, Edward, . . . . .	487
King George, the Second, . . . . .	200 <i>bis</i> , 202, 203, 260, 280, 313, 323, 373, 376, 472, 586, 737, 793	Lewis, Eleazer, . . . . .	487
King William, . . . . .	156, 591	Lewis, Ezekiel, . . . . .	53, 119, 157, 183, 198, 229, 279, 288, 290, 357, 588, 414, 431, 441, 480 <i>bis</i> , 543, 613, 616, 621, 637, 705, 734, 739, 762
Kingsbury, Josiah, . . . . .	318, 412, 413, 624, 625	Lewis' Bridge, . . . . .	290
Kingsbury, Nathaniel, . . . . .	692, 718	Lexington, . . . . .	194, 329, 345, 384, 441, 489, 544, 569, 571, 587, 742, 749
Kingsbury, Theodore, . . . . .	624, 625	Lidget, Charles, . . . . .	619
Kings Chapel, in Boston, . . . . .	431	Lilly, John, . . . . .	489
Kingsley, John, . . . . .	69	Lindall, Timothy, . . . . .	34, 52, 397, 471, 773, 774
Kingston, . . . . .	13, 41, 108, 258, 326, 676	Lindsay, Eleazer, . . . . .	286
Kinsbury, Abigail, . . . . .	10	Lindsay, Eleazer, jr., . . . . .	286
Kitteridge, Dr. John, . . . . .	143	Lindsay, Elisabeth, . . . . .	286
Kittery, . . . . .	21, 154, 454, 455, 471, 484, 589, 681	Lindsay, Lydia, . . . . .	286
Knapp, James, . . . . .	305, 351	Lindsay, Ralph, . . . . .	255
Kneeland, Joseph, . . . . .	22, 123	Lindsay, Sarah, . . . . .	255
Kneeland, Samuel, . . . . .	11, 77, 78, 146, 198, 267, 314, 380, 411	Little, David, . . . . .	661, 751, 777
<b>L.</b>		Little, John, . . . . .	127
Lake, David, . . . . .	786	Little, Capt. Thomas, . . . . .	58, 60, 62, 67
Lamb, Joshua, . . . . .	656, 677, 678, 681, 715, 723	Little Compton, . . . . .	348, 420, 446, 530, 531, 547, 765, 766
Lancaster, . . . . .	139, 231, 245, 324, 372, 482, 516, 529, 532, 559, 568, 569, 593, 594, 652, 678, 682, 740, 783	Littlefield, Francis, . . . . .	582
Laue, Benjamin, . . . . .	594	Littleton, . . . . .	482
Lane, John, . . . . .	314	Livermore, Samuel, . . . . .	304
Lane, Lieut. John, . . . . .	40	Livermore, William, . . . . .	439
Langdon, Capt. Richard, . . . . .	61, 136, 203	Livingstone, Philip, . . . . .	104
Langlazary, —, . . . . .	431	Lobb, Capt. Jacob, . . . . .	631, 671, 778, 784
Larrabee, Capt. —, . . . . .	431	Logget, Thomas, . . . . .	516
Larrabee, Benjamin, . . . . .	249	London, . . . . .	89, 91, 119, 145, 282, 286, 306, 327, 570, 683, 720, 741, 749, 759
Larrabee, Capt. Benjamin, . . . . .	320, 341, 342, 410 <i>cor</i> , 411, 473, 513 <i>bis</i> , 515, 585, 593 <i>bis</i> , 595	London (a negro boy), . . . . .	227
Larrabee, John, . . . . .	21, 22, 25, 124, 135	Lothrop, Isaac, . . . . .	751, 763
Larrabee, Lieut. (or Capt.) John, . . . . .	25, 45, 55, 78, 79, 89, 160 <i>bis</i> , 211, 229, 234, 301 <i>bis</i> , 302, 313, 314, 320, 371, 372 <i>bis</i> , 380, 381, 409, 410, 411, 442, 447, 449, 493, 494, 497, 534, 555, 564, 571, 762, 792	Lothrop, Joseph, . . . . .	291
Larramore, Capt. —, . . . . .	415	Lovel, Zachens, . . . . .	776
Laughton ( <i>see</i> Lawton).		Lovell, Capt. Enoch, . . . . .	506, 552, 557, 559
Lawrence, Samuel, . . . . .	571	Lovell, Hannah, . . . . .	608
Lawton, —, . . . . .	601	Lovell, James, . . . . .	608
Lawton, Christopher Jacob, . . . . .	684, 752	Lovell, Josiah, . . . . .	79
Leaman, Samuel, . . . . .	426	Lovewell, Hannah, . . . . .	17
Learned, Ebenezer, . . . . .	17	Lovewell, Capt. John, . . . . .	17, 18, 28, 36, 78, 93, 96, 102, 124, 143, 245, 259, 353, 355, 434, 435, 459, 724, 727, 771, 772, 782
Learned, Isaac, . . . . .	428, 624, 625	Loving Unity, the ship, . . . . .	631, 671
Leat, John, . . . . .	439	Loyal Heart, the sloop, . . . . .	58, 60, 62, 64
Leblong, —, . . . . .	516	Lucas, John, . . . . .	362
Leechmere, Ann, . . . . .	265	Lucas, Joseph, . . . . .	615
Leechmere, Thomas, . . . . .	127, 265, 307	Luce, Peter, . . . . .	142, 497, 529
Lee, Elisabeth, . . . . .	283	Lunenburg, . . . . .	352, 372, 378, 432, 448, 482, 532, 559, 619, 620, 627, 664, 698, 699, 700, 743
Lee, Thomas, jr., . . . . .	283	Lutwych, Edward, . . . . .	750
Lee, William, . . . . .	228	Lydius, Henry, . . . . .	686
Le Grow, John, . . . . .	114, 115	Lydius, John H., . . . . .	331, 347 <i>bis</i> , 348, 643
Leicester, . . . . .	36, 41, 137, 230, 256, 257, 324, 428, 455, 485, 486, 551	Lyman, Caleb, . . . . .	87
Leland, Henry, . . . . .	425	Lynde, —, . . . . .	486, 535, 567, 605, 612, 616 <i>bis</i> , 620, 637
Lemon, —, . . . . .	337, 424, 489, 527, 581	Lynde, Benjamin, . . . . .	145, 570, 603, 612
Lemon, Joseph, . . . . .	543	Lynde, Benjamin, jr., . . . . .	398, 444, 584, 643
Le Mott, George, . . . . .	90	Lyndsey ( <i>see</i> Lindsay).	
Leonard, Maj. —, . . . . .	111	Lyne ( <i>see</i> Lynde).	
		Lynn, ( <i>see</i> Lynde).	255, 275, 325
		Lyon, Ebenezer, . . . . .	682

# INDEX OF NAMES.

815

	PAGE
<b>M.</b>	
MaeFarling, Ann, . . . . .	733
MacLeland, Elizabeth, . . . . .	9
MacLeland, John, . . . . .	9
Madeira, . . . . .	439
Maheew ( <i>see</i> Mayhew).	
Maine, . . . . .	122, 283, 317, 505
Majory, Capt. Joseph, . . . . .	86
Malagash Harbor, . . . . .	84
Malbone, Godfrey, . . . . .	541, 543, 607
Malcolm, John, . . . . .	214
Malden, 84, 138, 290, 508, 509, 520, 521, 574, 609, 693, 735	
Mallinson, Joseph, . . . . .	566, 689, 744
Manchaug Farm, . . . . .	153, 322, 388
Manchaug Pond, . . . . .	153, 228, 322
Manchester, Thomas, . . . . .	550
Manchester, . . . . .	715, 731
Manley, Elisabeth, . . . . .	227
Maquoit, . . . . .	26, 80, 93, 114
Marble, John, . . . . .	529
Marble, Samuel, jr., . . . . .	789
Marblehead, 58, 67, 164, 255, 453, 632, 633, 665, 677, 693, 758	
Marbles, Nathaniel, . . . . .	369
March, Col. —, . . . . .	68, 221
March, John, . . . . .	196
Marion, Joseph, 49, 66, 121, 181, 265, 287, 335, 390, 457, 495	
Markham, Moses, . . . . .	39, 47, 72
Markham, Lieut. Moses, . . . . .	38
Marlborough, . . . . .	156, 324, 455
Marriner, John, . . . . .	98
Marsh, Ann, . . . . .	156
Marsh, Israel Rumney (an Indian), . . . . .	318
Marsh, John, . . . . .	789
Marsh, Joseph, . . . . .	156, 157
Marshall, Henry, . . . . .	254
Marshfield, 33, 85, 117, 124, 127, 136, 141, 453, 479, 557, 654, 726, 737, 763	
Marston, —, . . . . .	641
Marston, Benjamin, . . . . .	286
Martha, the sloop, . . . . .	188
Martha Galley, the ship, . . . . .	186, 193, 203 <i>bis</i>
Martha's Vineyard, . 311, 530, 631, 634, 639, 656, 658, 784	
Martineco ( <i>see</i> Martinique).	
Martinique, . . . . .	375, 516
Maryland, the sloop, . . . . .	439
Mashpee, . . . . .	327
Mashpee Indians, . . . . .	488
Mason, —, . . . . .	269, 616
Mason, David, . . . . .	119
Mason, Elisabeth, . . . . .	201
Mason, Joseph, . . . . .	765
Mason, Nathaniel, . . . . .	201
Massachusetts Bay (Colony or Province of), 16, 110, 114, 282, 286, 361, 315, 325, 423, 439, 472, 546, 548, 555, 591, 675, 688, 705, 713, 738, 740, 745, 790	
Mather, Rev. Dr. Cotton, . . . . .	178, 195
Matthews, John, . . . . .	430
Matthews, Miriam, . . . . .	232
Mattocks, James, . . . . .	569
Mattocks, Thomas, . . . . .	97, 98
Manchaug Pond, Munchaug Pond ( <i>see</i> Manchaug Pond).	
Mawl, Charity, . . . . .	510
Mawl, John, . . . . .	510
Maxwell, William, . . . . .	565
Maxwell, Capt. William, . . . . .	123
Mayhew, —, . . . . .	740
Mayhew, Ebenezer ( <i>see</i> Mayhew, Experience).	

	PAGE
Mayhew, Experience, . . . . .	539, 595, 639
Meader, Joseph, . . . . .	56, 104
Medfield, . . . . .	324, 367, 427, 463, 532, 582
Medfield Road, . . . . .	102
Medford, . . . . .	177, 263, 264, 361, 366, 401, 534, 602
Medway, . . . . .	717, 754
Meeting House Hill, . . . . .	100, 141
Mehetabel, the ship, . . . . .	764
Melville, David, . . . . .	33, 78, 459
Melvin, David, . . . . .	355, 434, 435
Melvin, Jonathan, . . . . .	353, 562
Mendon, 85, 86, 324, 361, 525, 526, 528, 532, 656, 756, 763, 765, 772, 782	
Meuzies, Mrs. Katherine, . . . . .	428
Meuzies, John, . . . . .	117, 428
Merricomag Neck, . . . . .	546
Merrill, Abel, . . . . .	583
Merrimac River, 48, 53, 108, 114, 285, 355, 585, 416, 583, 620, 630, 661, 662, 685, 686, 705, 714, 723, 772, 781, 785, 789	
Merry Meadow, . . . . .	663, 664
Merry Meeting, the sloop, . . . . .	21, 32, 87
Methuen, 100, 141, 142, 151, 195, 208, 385, 394, 398, 676, 688, 768, 790, 791, 793, 794	
Middleborough, 13, 83, 136, 149, 487, 592, 625, 634, 651, 652, 676, 765, 766, 769	
Middlecot, Edward, . . . . .	120
Middlecot, Richard, . . . . .	120, 207
Middlesex County, 8, 41, 44, 59, 68, 89, 96, 112, 137, 138, 205, 206, 207, 228, 235 <i>bis</i> , 264, 267, 272, 277, 283, 284, 285, 300, 324, 361, 362, 365, 370, 373, 388, 390, 397, 398, 418, 427, 440, 448, 476, 496, 499, 508, 509, 520, 532, 534, 558, 565, 571, 585, 591, 599, 602, 609, 658, 659, 670, 672, 716, 717 <i>bis</i> , 726, 735, 741, 742 <i>bis</i> , 745, 763, 790, 794 <i>bis</i>	
Middleton, . . . . .	336, 639
Milberry, Richard, . . . . .	464, 597, 598, 758, 787
Mile Brook, . . . . .	13
Miles, Samuel, . . . . .	262
Mill Creek, . . . . .	636
Miller, James, . . . . .	304
Miller's River, . . . . .	702, 704, 771, 782
Millet, Thomas, . . . . .	122
Milton, . . . . .	176, 263, 528
Minot, Stephen, . . . . .	107, 207
Minot, Col. Stephen, . . . . .	58
Miriam, John, . . . . .	384
Mistick River, . . . . .	18
Moberly, Edward, . . . . .	525
Moffat, John, . . . . .	164, 222
Monotamy River, . . . . .	693
Montreal, . . . . .	104, 272, 281, 331, 347 <i>bis</i>
Monument lands, . . . . .	699
Moody, Maj. —, . . . . .	46
Moody, Joseph, . . . . .	589, 669, 742
Moody, Capt. Joshua, . . . . .	82, 93, 94
Moody, Samuel, . . . . .	362
Moody, Dr. Samuel, . . . . .	249, 362
Moody, Maj. Samuel, . . . . .	66, 365
Moor ( <i>see</i> Moore).	
Moore, Francis, . . . . .	370, 371
Moore, Jonathan, . . . . .	683
Moore, Mary, . . . . .	683, 795
Moore, Samuel, . . . . .	525, 528, 529
Moore, Thomas, . . . . .	205
Moose Swamp, . . . . .	581
Morehampton, the ship, . . . . .	164
Morgan, David, . . . . .	630
Morgan, Samuel, . . . . .	69

	PAGE		PAGE
Morris, Charles, . . . . .	116, 230	Niles, John, . . . . .	256
Morse, Joshua, . . . . .	427, 770	Nipmuck Country, . . . . .	286, 325
Morse, Samuel, . . . . .	476	Nipmug ( <i>see</i> Nipmuck).	
Morton, Ebenezer, . . . . .	760, 791	Nissequassuck Hill, . . . . .	653
Morton, Capt. Ephraim, . . . . .	196	Noble, Arthur, . . . . .	334, 335
Moulton, —, . . . . .	524, 669	Noble, Matthew, . . . . .	462, 747
Moulton, Capt. —, . . . . .	54	Noose, Paul (an Indian), . . . . .	320
Moulton, Jeremiah, . . . . .	63, 551	Norridgewock, . . . . .	39, 70, 148, 163, 223
Moulton, Capt. Jeremiah, . . . . .	20, 58, 70, 280, 281, 303, 389	Norridgewock Indians, . . . . .	186, 316
Moulton, Joseph, . . . . .	350, 623	Northampton, . . . . .	35, 69 <i>bis</i> , 345, 700
Moulton, Robert, . . . . .	417	Northfield, 37, 97, 99, 104, 106, 169, 177, 266, 274, 305, 330, 333, 334, 392, 396, 400, 426 <i>bis</i> , 501, 600, 601, 663, 664, 669, 697, 698, 702, 704, 725, 728, 730, 743, 760, 775	
Mountforth, —, . . . . .	31, 32	North Carolina, . . . . .	212
Mountforth, Edmund, . . . . .	79, 142, 155, 158, 179, 196, 203	North River, . . . . .	74, 312
Mountforth, Edward, . . . . .	70	North Yarmouth, 47, 60, 62, 67, 71, 72, 74, 80, 165, 197, 375, 376, 421, 509, 510, 635 <i>bis</i> , 636, 641, 659, 664, 667, 697 <i>bis</i> , 767, 797	
Mountforth, Jonathan, . . . . .	103	Norton, Capt. Benjamin, . . . . .	147
Mt. Holyoke, . . . . .	243, 351, 668	Norton, Josiah, . . . . .	162, 196
Mount Royal ( <i>see</i> Montreal).		Norton, Samuel, . . . . .	736
Mower, Samuel, . . . . .	290	Norton, . . . . .	564, 594
Mudgett, William, . . . . .	234, 300	Nottingham, . . . . .	695, 696, 776
Munchaug Farm ( <i>see</i> Manchaug Farm).		Nova Scotia, . . . . .	628
Muspetamapus Hill, . . . . .	740	Nowell, Peter, . . . . .	582, 636, 637
Muzzy, Benjamin, . . . . .	447, 473, 531, 710	Noyes, Belcher, . . . . .	531
Myrick, Samuel, . . . . .	778	Noyes, Mrs. Katharine, . . . . .	732
<b>N.</b>		Noyes, Oliver, . . . . .	732
Nantucket, . . . . .	56, 104, 126, 247, 320, 730, 745	Noyes, Samuel, . . . . .	160
Nantucket Indians, . . . . .	56, 104	Noyes, Thomas, . . . . .	583
Nap ( <i>see</i> Knapp).		Nusuck, Ruth (an Indian), . . . . .	437
Narragansett, . . . . .	325	Nye, Isaac, . . . . .	676
Nash, Daniel, . . . . .	352	<b>O.</b>	
Nash, John, . . . . .	383	Oaks, Rev. Josiah, . . . . .	209, 210, 225
Natani Brook ( <i>see</i> Bennet's Brook).		Odling, Adrian, . . . . .	419
Natick, 105, 272, 311, 312, 317, 318, 358, 360, 364, 365, 367, 376, 390, 422, 425, 440, 452, 457, 458, 462, 463, 476, 479, 501, 550, 566, 602, 731, 753		Odling, Elisha, . . . . .	419
Naticook or Brenton's Farm ( <i>see</i> Brenton's Farm).		Oldham, Isaac, . . . . .	125, 151, 247
Needham, . . . . .	412, 413, 458, 463, 476, 479, 544, 587, 656, 717	Oliver, Daniel, . . . . .	183, 198, 213, 239, 472
Nelson, William, . . . . .	630	Oliver, Capt. Peter, . . . . .	38, 51 <i>bis</i> , 52, 114
Neponset River, . . . . .	102, 706	Ompatenenam, Samuel (an Indian), 367, 390, 391, 422 753, 754	
Newall, Joseph, . . . . .	786	Ompetowenum, Umpatowen, Umpatawen ( <i>see</i> Ompatenenam).	
Newbury, 40, 68, 221, 236, 237, 250, 251, 344, 396, 424, 486, 570, 583, 584, 610, 611, 612, 623, 627, 633, 685, 688		Onandago Indians, . . . . .	792
Newbury Falls ( <i>see</i> Byfield).		Oreutt, John, . . . . .	39
Newbury Ferry, . . . . .	30, 338	Ordway, John, . . . . .	623
Newhall, Benjamin, . . . . .	255	Orne, Joshua, . . . . .	677
Newichawannock River, . . . . .	271, 502	Osborne, John, . . . . .	600, 720
Newichawannock River, . . . . .	778, 787	Osborne, Capt. John, . . . . .	685
Newport, . . . . .	126, 348, 503, 786	Osgood, Jeremiah, . . . . .	210
Newton, . . . . .	310, 441, 543, 587, 658, 749, 753, 778	Otis, Job, . . . . .	751, 766
New England, 16, 52, 91, 124, 144, 167, 242, 276, 361, 315, 439, 637, 638, 657 <i>bis</i> , 725		Otis, John, . . . . .	46
New Hampshire, 31, 52, 53, 108, 114, 122, 189, 247, 268, 293, 390, 393, 346, 375, 396, 397, 503, 517, 584, 610, 611, 612, 617 <i>bis</i> , 620, 662, 698, 734 <i>bis</i>		Otis, Col. John, . . . . .	56
New Jersey, . . . . .	682	Otter Creek, . . . . .	271
New London, . . . . .	12, 127, 307, 668	Overing, John, . . . . .	541, 607
New Medfield, . . . . .	770	Oxford, 17, 23 <i>bis</i> , 303, 324 <i>bis</i> , 427, 428, 429, 532, 582, 621, 624, 625, 629	
New Plymouth, . . . . .	116, 584	Oyster Island, . . . . .	260, 312
New Roxbury, . . . . .	479	<b>P.</b>	
New York, . . . . .	108, 109, 541, 562, 563, 568, 688, 690	Pachus, David (an Indian), . . . . .	765
Nichols, John, . . . . .	594	Packard, Israel, . . . . .	474
Nichols, Nathaniel, . . . . .	125, 151, 247	Page, Christopher, . . . . .	384
Nichols, Thomas, . . . . .	81	Page, Joshua, . . . . .	789
Nichol's Brook, . . . . .	150	Palfrey, Hannah, . . . . .	388, 453, 491
Nicholson, Gen. —, . . . . .	55	Palfrey, William, . . . . .	116, 260
Nick (a negro), . . . . .	208		
Nicks Rock, . . . . .	13		

# INDEX OF NAMES.

817

	PAGE
Palmer, Thomas, 46, 73, 526, 535, 605, 613, 616 <i>bis</i> , 618, 796, 797	582
Papillon, —, . . . . .	702, 703, 744, 758, 775, 782, 787, 792
Paquoiaq, . . . . .	776
Paquoiaq Hill, . . . . .	67
Pardu, Nathaniel, . . . . .	40
Parker, Ensign —, . . . . .	260
Parker, Daniel, . . . . .	222 <i>bis</i>
Parker, Capt. David, . . . . .	67, 71, 74, 75, 79, 80
Parker, James, . . . . .	422
Parker, Lieut. James, . . . . .	60
Parker, Serg. James, . . . . .	629
Parker, Jonathan, . . . . .	658
Parker, Joseph, . . . . .	176
Parker, Joshua, . . . . .	430
Parker, William, . . . . .	87
Parsons, David, . . . . .	551
Parsons, Rev. David, . . . . .	618, 619
Parsons, Jedediah, . . . . .	618, 619
Parsons, Joseph, . . . . .	167, 274, 632, 675
Patridge, Samuel, . . . . .	309
Pawtucket, . . . . .	311, 474, 490
Pawtucket Bridge, . . . . .	311, 474, 490, 591, 661, 687
Pawtucket River, . . . . .	326
Paxton, Capt. Wentworth, . . . . .	46, 337
Payne, Col. —, . . . . .	357
Payne, Col. Nathaniel, . . . . .	154
Payne, Hannah, . . . . .	46
Payne, John, . . . . .	44
Payne, Nathaniel, . . . . .	256
Payne, Samuel, . . . . .	154, 168, 393
Payne, William, . . . . .	105, 364, 365, 390
Peabody, Rev. Oliver, . . . . .	285
Peabody, Stephen, . . . . .	104
Peal, John, . . . . .	115
Peirce ( <i>see</i> Peirce), . . . . .	300, 303, 375
Pearly ( <i>see</i> Perley), . . . . .	474
Pease, John, . . . . .	189
Peasley, Nathaniel, . . . . .	479
Peck, —, . . . . .	317, 360, 364, 731
Pecker, James, . . . . .	696
Pegan, Samuel, . . . . .	374
Pegan, Thomas (an Indian), . . . . .	28
Pegasus, the schooner, . . . . .	69, 521
Peirce, Capt. —, . . . . .	552, 759
Peirce, Dr. Joseph, . . . . .	12
Peirpoint ( <i>see</i> Pierpoint), . . . . .	30, 90, 169, 263, 333, 395, 424, 515
Pell, John, . . . . .	274
Pemaquid, . . . . .	13, 74, 125, 148, 151, 247, 312, 769
Pemberton, Rev. Ebenezer, . . . . .	10
Pemberton, Dr. George, 30, 90, 169, 263, 333, 395, 424, 515	59, 61, 174
Pemberton, James, . . . . .	681, 685, 692, 705, 714, 762, 787, 788
Pembroke, . . . . .	671
Penhallow, Capt. —, . . . . .	18, 521
Penhallow, Capt. John, . . . . .	140
Pennacook, 31, 48, 53, 354, 355, 430, 434, 559, 560, 643, 681, 685, 692, 705, 714, 762, 787, 788	73, 165, 245
Pennsylvania, . . . . .	758
Penny Ferry, . . . . .	524, 703, 705, 778
Penobscot Bay, . . . . .	548
Penobscot Indians, . . . . .	376
Pepperill, William, . . . . .	94
Pepperill, William, jr., . . . . .	159
Perkins, John, . . . . .	548
Perkins, Lydia, . . . . .	559
Perkins, Thomas, . . . . .	
Perkins, Timothy, . . . . .	
Perkins, William, . . . . .	
Perkins, William, sr., . . . . .	

	PAGE
Perley, Jeremiah, . . . . .	726, 727, 782
Perry, —, . . . . .	665
Perry, Ebenezer, . . . . .	794
Perry, John, . . . . .	735
Pesumpscoot River, . . . . .	670, 744, 769
Peter, Bethia (an Indian), . . . . .	112, 113
Peter, John (an Indian), . . . . .	42, 74
Peter, Joseph (an Indian), . . . . .	112, 113
Pett, Jacob, . . . . .	162, 196
Phelps, Noah, . . . . .	17
Phelps, Robert, . . . . .	724
Philadelphia, . . . . .	631
Phillips, —, . . . . .	39
Phillips, Gov. Adolph (of New York), . . . . .	517
Phillips, Henry, . . . . .	46, 73, 279, 308
Phillips, John, . . . . .	261
Phillips, Rev. Samuel, . . . . .	40
Phillips, Thomas, . . . . .	564
Phillips, Thompson, . . . . .	691
Phinney, John, . . . . .	607
Phipps, —, . . . . .	670
Phipps, Spencer, 33, 159, 231, 233, 283, 299, 309, 343, 385, 422, 424, 430, 451 <i>bis</i> , 483, 529, 531, 588, 590, 594, 599, 631, 640, 686, 689, 703, 755, 780	248
Pier (an Indian), . . . . .	100, 451
Pierce, Daniel, . . . . .	254
Pierce, Joseph, . . . . .	656
Pierpoint, Ebenezer, . . . . .	761
Pierpoint, Thomas, . . . . .	24, 28, 36, 78, 93, 96, 124, 143, 166, 259, 351, 353, 355, 434, 459, 592
Pigwacket, . . . . .	68, 221
Pike, Hugh, . . . . .	415
Pincen, Sarah, . . . . .	415
Pincen, Thomas, . . . . .	122
Piscataqua River, . . . . .	176
Pitcher, Nathaniel, . . . . .	164
Pitman, John, . . . . .	250
Pitman, William, . . . . .	377
Plaisted, Elisha, . . . . .	473
Plaisted, Capt. Samuel, . . . . .	618, 622
Plummer, Ensign Benjamin, . . . . .	13, 33, 45, 54, 55, 125, 147, 239, 269, 291, 386, 506, 530, 532, 591, 655, 691, 699, 705, 713, 750, 753, 761, 791
Plymouth, 13, 33, 45, 54, 55, 125, 147, 239, 269, 291, 386, 506, 530, 532, 591, 655, 691, 699, 705, 713, 750, 753, 761, 791	83, 87, 112, 125, 135, 147, 148, 187, 241, 247, 278, 291, 299, 386, 456, 478, 487, 512, 546, 552, 566, 585, 601, 604, 621, 679, 692, 700, 760, 765, 766 <i>bis</i> , 781
Plymouth County, . . . . .	367, 390, 391
Plympton, 13, 583, 584, 615, 617, 652, 662, 676, 678, 753, 768, 769	632, 675
Podaquoduck Hill, . . . . .	704
Pompanoot (an Indian), . . . . .	164
Pompey, . . . . .	137, 728
Pomroy, Ebenezer, . . . . .	337, 383
Pomroy, Lieut. John, . . . . .	264
Pool, Benjamin, . . . . .	160
Pool, Samuel, . . . . .	618
Poor, Henry, . . . . .	625
Poquechus, David (an Indian), . . . . .	29 <i>bis</i> , 167
Porter, Eleazar, . . . . .	169
Porter, James, . . . . .	799
Porter, Matthew, . . . . .	36, 68, 124
Port Royal, . . . . .	91, 300, 303, 335, 375, 662, 672
Portsmouth, . . . . .	487
Portsmouth, England, . . . . .	615, 616
Potter, Grace, . . . . .	615
Potter, Judah, . . . . .	114, 115
Powell, James, . . . . .	

	PAGE
Powell, John, . . . . .	241, 242, 260, 635
Powning, Daniel, . . . . .	140, 389, 409, 478, 495
Powning, Lieut. Daniel, . . . . .	10, 11, 502
Pratt, Daniel, . . . . .	307
Pratt, Gideon, . . . . .	308
Pratt, John, . . . . .	385, 420, 421 <i>bis</i>
Pray, Ephraim, . . . . .	482
Pray, Joseph, . . . . .	482
Pray, William, . . . . .	482
Prescott, Capt. —, . . . . .	482
Prescott, Benjamin, . . . . .	257, 485
Prescott, Ebenezer, . . . . .	484, 740
Prescott, Jonas, . . . . .	484
Price, Roger, . . . . .	637
Price, William, . . . . .	173
Priest, John, jr., . . . . .	594
Priest, Joseph, . . . . .	284, 594
Prince, Rev. Thomas, . . . . .	213
Printer, Amy (an Indian), . . . . .	430
Printer, Amy, jr. (an Indian), . . . . .	430
Printer, Moses (an Indian), . . . . .	343
Procter, James, . . . . .	631, 726
Proctor, Ebenezer, . . . . .	255
Proctor, Mary, . . . . .	255
Proctor, Samuel, . . . . .	186, 187
Prothro, Capt. George, . . . . .	487, 488
Prout, Timothy, . . . . .	201, 207, 659
Providence, . . . . .	367, 368, 490, 523, 542, 651, 674
Providence County, . . . . .	782
Provincetown, . . . . .	185
Puncapang, . . . . .	113, 147, 463, 694
Puncapang Indians, . . . . .	113
Punchasset Purchase, . . . . .	530
Purgatory Pond, . . . . .	102
Putnam ( <i>see</i> Putney), . . . . .	
Putney, Joseph, . . . . .	582, 621, 629
Pyneon, Capt. John, . . . . .	11
Pyneon, William, . . . . .	69, 549

## Q.

Quampegan, . . . . .	271
Quasson, Joseph (an Indian), . . . . .	42, 63
Quebec, . . . . .	271, 281
Queen Mary, . . . . .	156, 591
Queleh, Capt. —, . . . . .	415
Quincey, Maj. —, . . . . .	33, 165, 265, 284, 309, 395
Quincey, Edmund, . . . . .	157, 183, 213, 290, 584, 612, 642
Quincey, John, 73, 113, 147, 157, 169, 301, 531, 694, 747, . . . . .	780
Quincey, John (Speaker of House of Representatives), 443, 526 <i>bis</i> , 532, 567, 572, 616, 618, 620, 733 . . . . .	46, 463
Quinebang River, . . . . .	401
Quinitusset, . . . . .	115, 282
Quinitusset ( <i>see</i> Quinitusset), . . . . .	
Quoyougah Indians, . . . . .	792

## R.

Rand, Robert, . . . . .	795, 796
Randall, Hannah, . . . . .	778
Randall, Nehemiah, . . . . .	546, 585
Randall, Thomas, . . . . .	261
Randall, William, . . . . .	778
Randolph, Thomas, . . . . .	334
Raney ( <i>see</i> Razy), . . . . .	
Rash, John, . . . . .	630
Rawson, Edward, . . . . .	271

	PAGE
Rawson, Margaret, . . . . .	270
Rawson, William, . . . . .	270
Raynham, . . . . .	570, 613, 623, 681
Razy, Joseph, . . . . .	603, 605, 607, 608, 609
Read, Ebenezer, . . . . .	271
Read, John, 158, 166, 300, 303, 429, 541, 542, 547, 608, 632, . . . . .	675, 723, 783
Reading, 138, 139, 159, 206, 325, 326, 426, 451, 548, 560, 606, . . . . .	629, 639, 742
Redwood, Abraham, . . . . .	587, 665, 690, 691
Redwood, Patience, . . . . .	587, 665, 690
Rehoboth, . . . . .	249, 395, 564, 591, 634
Remington, —, . . . . .	182, 266, 337, 397
Remington, Jonathan, 52, 73, 183, 198, 290, 526, 567, 605, . . . . .	616, 620, 637
Reynolds, Isaac, . . . . .	496, 551
Rhode Island, 126, 335, 348, 474, 490, 496, 503, 504, 523 <i>bis</i> , . . . . .	532, 541, 567, 568, 584, 591, 603, 612, 616, 618 <i>bis</i> , 620, 634, 640 <i>bis</i> , 651, 655, 660, 673, 674, 684, 687, 705, 713, 734, 748, 754, 755, 756, 757 <i>bis</i> , 773, 782, 786, 798
Rhoeyannekoah (an Indian), . . . . .	792
Rice, Bariah, . . . . .	304
Rice, Ephraim, . . . . .	585, 586
Rice, John, . . . . .	518
Rice, Josiah, . . . . .	585
Rice, Perez, . . . . .	679
Rice, Phineas, . . . . .	503
Rice, Sarah, . . . . .	585
Rich, Samuel, . . . . .	153, 323
Richard, Dr. —, . . . . .	597
Richard, Eleazer, . . . . .	676
Richards, Edward, . . . . .	124
Richards, Judah, . . . . .	206
Richardson, Jacob, . . . . .	499, 599
Richardson, Job, . . . . .	499, 599
Richardson, John, . . . . .	416
Richardson, Nathaniel, . . . . .	36
Richardson, Pierson, . . . . .	499, 599
Richardson, Richard, . . . . .	197
Richardson, Samuel, . . . . .	786
Richardson, Stephen, . . . . .	89
Richardson, Thomas, . . . . .	230, 459, 786
Richardson, Timothy, . . . . .	93
Richardson, William, . . . . .	652, 783
Richmond, . . . . .	95, 98, 190, 192, 272, 371
Rider, Eleazer, . . . . .	390
Rindge, Daniel, . . . . .	140
Rindge, Martha, . . . . .	140
Robbin, Deborah (an Indian), . . . . .	320
Robbin, Eleazar, . . . . .	504
Robbin, Samuel (an Indian), . . . . .	320
Robbins, John, . . . . .	93, 310, 651, 674, 757, 773
Robbins, Lieut. John, . . . . .	198, 199
Robbins, Lieut. Jonathan, . . . . .	253
Robbins, Margaret, . . . . .	353
Roberts, Axtel, . . . . .	567
Robins ( <i>see</i> Robbins), . . . . .	
Robinson, Capt. —, . . . . .	123
Robinson, Capt. Andrew, . . . . .	561, 581
Robinson, Ebenezer, . . . . .	570
Robinson, Capt. John, . . . . .	61
Roby, Dr. Thomas, . . . . .	395
Rochester, . . . . .	136, 386, 456, 546, 554, 676
Rocky Hill, . . . . .	740
Rogers, Eleazer, . . . . .	55, 269
Rogers, Ezekiel, . . . . .	751
Rogers, Rev. Ezekiel, . . . . .	778
Rogers, John, . . . . .	739
Rogers, Jonathan, . . . . .	12

# INDEX OF NAMES.

819

	PAGE
Rogers, Samuel, . . . . .	594
Rogers, Samuel, jr., . . . . .	594
Rogers, Simon, . . . . .	208, 371, 520, 527
Rogers, William, . . . . .	109
Rolfe, Capt. —, . . . . .	472
Rolfe, Benjamin, 50, 121, 181, 213, 270, 280, 339, 340, 390, 461, 692, 788	
Rolfe, Henry, . . . . .	560, 583, 643, 768
Rolfe, Capt. Henry, . . . . .	251, 282
Ross, James, . . . . .	14
Rotterdam, . . . . .	671
Rowland, James, . . . . .	255
Rowley, . . . . .	477, 486, 570, 581, 618, 619, 622, 751, 777
Rowley Mill River ( <i>see</i> Symonds Brook).	
Roxbury, 31, 149, 206, 276, 310, 413, 522, 620, 719, 734, 735, 774, 775	
Ruck, James, . . . . .	396
Ruggles, John, . . . . .	694
Ruggles, Joseph, . . . . .	656
Ruggles, Timothy, . . . . .	656, 678
Russell, Daniel, 8, 138, 161, 191, 300, 418, 439, 440, 445, 476, 591, 622, 628, 670, 717, 764	
Russell, Joseph, . . . . .	497, 741, 742
Rutland, 231, 237, 248, 283, 324, 378, 433, 438 note, 485, 486, 527, 532, 673, 681, 682, 687, 704, 715, 716, 727, 740, 771, 772, 782	
<b>S.</b>	
Saco River, 238, 279, 344, 377, 389, 397, 399, 420, 425, 426, 434, 446, 457, 464, 507 <i>bis</i> , 510, 550, 620, 722, 769, 787	
Saco Indians, . . . . .	600
St. Francois, . . . . .	271
St. Francois Indians, . . . . .	303, 340
St. Georges River, 22, 25, 26, 28, 30, 31 <i>bis</i> , 66, 74, 76, 79, 95, 96, 98, 105, 158, 194 <i>bis</i> , 199 <i>bis</i> , 200, 202, 204, 234, 244, 245 <i>bis</i> , 246, 251, 252, 259, 261 <i>bis</i> , 304, 338, 346, 347, 384, 386, 414 <i>bis</i> , 495, 596, 669, 748, 761	
Sale, John, . . . . .	184, 350
Salem, 14, 22, 157, 158, 159, 164, 210, 211, 236, 255, 385, 388, 392, 399, 415, 419, 420, 444, 448, 453, 510, 528, 587, 606, 609, 665, 695, 727, 731	
Salisbury, . . . . .	779
Salmon Falls, . . . . .	238, 778, 787
Salter, Sampson, . . . . .	375, 376
Saltonstall, — (late Governor of Connecticut), . . . . .	401
Saltonstall (Mr. Justice), . . . . .	151, 300
Saltonstall, Mary, . . . . .	145, 597
Saltonstall, Richard, . . . . .	317, 385, 394, 396, 424
Sampson, Sarah, . . . . .	260
Sanderson, Anthony, . . . . .	89
Sandwich, . . . . .	302, 358, 488, 553, 592, 595
Sanford, Thomas, . . . . .	517
Sarop (an Indian), . . . . .	181
Sartle, Nathaniel, . . . . .	738, 790
Satell, Ephraim, . . . . .	267
Saunders, Capt. —, . . . . .	155
Saunders, Capt. Thomas, 31, 32, 87, 107, 179, 237, 336, 386, 432, 494, 513, 598	
Savage, Habijah, . . . . .	399
Saville, John, . . . . .	282, 382
Saw Mill River, . . . . .	789
Sawyer, John, . . . . .	594
Sawyer, William, . . . . .	694
Scales, Susannah, . . . . .	375
Scales, William, . . . . .	375, 376
Scammon, Humphrey, . . . . .	316, 389
Scarborough, . . . . .	91, 567, 732, 769
Scarborough, the ship, . . . . .	749

	PAGE
Schuyler, Col. John, . . . . .	180 <i>bis</i> , 331
Scituate, 39, 73, 87, 107, 148, 312, 415, 453, 479, 512, 519, 546, 557, 570, 589, 601, 613, 616, 654, 661, 726, 737, 750, 751 <i>bis</i> , 763, 777	
Scotland, . . . . .	669
Scott, Joseph, . . . . .	275
Seabury, John, . . . . .	604, 617, 628, 629
Seabury, Samuel (of North Yarmouth), . . . . .	659, 697
Seabury, Rev. Samuel, . . . . .	421, 422
Seakonk ( <i>see</i> Seekonk).	
Seal Islands, . . . . .	149
Seekonk, . . . . .	374
Serganset River, . . . . .	82
Sergeant, Christopher, . . . . .	793
Sergeant, Diamond, . . . . .	14
Sergeant, John, . . . . .	347, 391
Sergeant, Samuel, . . . . .	315
Sever, Elisabeth, . . . . .	779
Sever, Thomas, . . . . .	779
Sewall, —, . . . . .	178
Sewall, Mrs. Abigail, . . . . .	682
Sewall, Joseph, . . . . .	195
Sewall, Rev. Joseph, . . . . .	213
Sewall, Samuel, . . . . .	48, 123, 248, 354, 748
Sewall, Stephen, . . . . .	237
Shaddock, Samuel, . . . . .	724
Sharp, Elisabeth, . . . . .	398
Sharp, John, . . . . .	590
Sharp, Mary, . . . . .	258, 326
Shaw, Jonathan, . . . . .	652
Shawshine ( <i>see</i> Woburn).	
Shawshine River, . . . . .	766, 767
Shea, James, . . . . .	481, 491
Sheepscot, . . . . .	780
Sheerness, the ship, . . . . .	62
Sheffield, Joseph, . . . . .	335
Sheffield, . . . . .	747, 748, 783
Shepherd, Isaac, . . . . .	594
Sherborn, . . . . .	156, 247, 318, 358, 390, 447, 642, 717
Sherman, John, . . . . .	169, 233, 503, 630
Sherman, Capt. John, . . . . .	549
Shewamet, . . . . .	44
Shickleworth ( <i>see</i> Shuttleworth)	
Shipley, John, . . . . .	330, 342
Shipley, Capt. John, . . . . .	432, 499
Shirley, William, . . . . .	631, 778
Shove, —, 165, 506, 532, 564, 605, 612, 613, 616, 620, 640, 687, 705, 763	
Shove, Edward, 76, 82, 125, 282, 324, 378 <i>bis</i> , 446, 531, 552, 557, 559, 612, 673 <i>bis</i> , 757, 785, 798	
Shrewsbury, . . . . .	231, 236, 324, 532, 768
Shrimpton, Elizabeth, . . . . .	19
Shrimpton, Col. Samuel, . . . . .	19
Shurtleff, Thomas, . . . . .	13
Shute, Gov. Samuel, . . . . .	445
Shuttleworth, Vincent, . . . . .	556, 754
Sign Brook, . . . . .	13
Simmons, James, . . . . .	631
Simmons, Nathaniel, . . . . .	430
Simmons, William, . . . . .	384
Simpson, Daniel, . . . . .	8, 189
Singleberry, —, . . . . .	789
Slack, Benjamin, . . . . .	349, 651, 773
Small, Jonathan, . . . . .	321
Smith, Capt. —, . . . . .	550
Smith Benjamin, . . . . .	723, 736, 772, 781
Smith, Daniel, . . . . .	76
Smith, James, . . . . .	720
Smith, John, . . . . .	20, 197, 243

	PAGE		PAGE
Smith, Jonas, . . . . .	284	Stevens, Israel, . . . . .	594
Smith, Joseph, . . . . .	368	Stevens, Joseph, . . . . .	20, 353, 374, 556, 562, 663, 681, 741
Smith, Ralph, . . . . .	286	Stevens, Capt. Joseph, . . . . .	740
Smith, Richard, . . . . .	101, 102, 139	Stevens, Samuel, . . . . .	594
Smith, Sarah, . . . . .	286	Stickney, Benjamin, . . . . .	618
Smith, Solomon, . . . . .	569	Stockbridge, Joseph, . . . . .	750, 766
Smith, Susannah, . . . . .	569	Stoddard, Col. —, . . . . .	177, 762
Smith, Capt. Thomas, . . . . .	199 <i>bis</i> , 200, 244, 245, 259, 260, 261, 304, 395, 399, 412, 420, 457, 464, 507 <i>bis</i> , 510, 620, 722	Stoddard (Mr. Justice), . . . . .	498
Smith, William, . . . . .	183	Stoddard, Anthony, . . . . .	738
Smithfield, . . . . .	651, 660, 674, 782	Stoddard, David, . . . . .	19
Snell, Joseph, . . . . .	141	Stoddard, Elizabeth, . . . . .	19
Snell, Samuel, . . . . .	786	Stoddard, John, . . . . .	153, 165, 233, 240, 254, 400, 563, 584, 688
Snelling, Benjamin, . . . . .	798	Stoddard, Col. John, . . . . .	90
Snelling, Elisabeth, . . . . .	798	Stoddard, Simeon, . . . . .	19
Snelling, Hannah, . . . . .	798	Stone, Benjamin, . . . . .	776
Snelling, Hannah (daughter of Benjamin), . . . . .	798	Stone, Ebenezer, . . . . .	691
Snow, Samuel, . . . . .	757	Stone, Elias, . . . . .	44
Snow, Sylvanus, . . . . .	757	Stone, Simon, . . . . .	482, 516, 529, 663
Snow, Timothy, . . . . .	489	Stone, Simon, jr., . . . . .	593, 594
Society for Propagating Christian Knowledge, . . . . .	669	Stone, Thomas, . . . . .	716
Sohegan River ( <i>see</i> Souhegon River).		Stoucham, . . . . .	139, 509, 735, 742, 794
Sole, Soul ( <i>see</i> Soule).		Stony Brook, . . . . .	27
Solomon, Benjamin (an Indian), . . . . .	54	Stony Brook Pond, . . . . .	484
Souhegon River, . . . . .	378, 416, 723, 772	Storer, John, . . . . .	316 <i>bis</i>
Soule, Benjamin, . . . . .	730, 743	Stoughton, . . . . .	191, 102, 188, 221, 224, 333, 352, 359, 368, 514, 516, 594, 596, 656, 682, 691, 706
Soule, Joseph, . . . . .	730	Stow, . . . . .	455, 482, 497, 516, 529 <i>bis</i> , 593, 594, 678
Soutagoulheess (an Indian), . . . . .	792	Stower, Samuel, . . . . .	508
South River, . . . . .	33	Stroud Water River, . . . . .	732
Southack, Capt. Cyprian, . . . . .	64, 186	Stuckey, Aaron, . . . . .	142
Southborough, . . . . .	179, 324, 430, 532, 674	Sturgis, Samuel, . . . . .	187
Southgate, Richard, . . . . .	230	Sturtevant, John, . . . . .	13
Southworth, Nathaniel, . . . . .	39, 85, 765	Sturtevant, Joseph, . . . . .	13
Sparhawk, Rev. —, . . . . .	275	Sturtevant, Samuel, . . . . .	617, 768
Spaulding, Andrew, . . . . .	353, 562	Succor Brook, . . . . .	412
Spaulding, Joseph, . . . . .	397	Suckenot, Jacob (sachem), . . . . .	75
Speakman, William, . . . . .	753	Sudbury, . . . . .	42, 475, 496, 497, 529, 545, 587, 716, 794
Spectacle Island, . . . . .	324, 393	Sunfield, . . . . .	10, 27, 498, 684, 696, 752
Speen, Hannah (an Indian), . . . . .	457	Suffolk County, . . . . .	9, 19, 21, 29, 57, 77, 81, 84, 87, 138, 144, 150, 158, 164, 166, 167, 172, 189, 201, 206, 298, 210, 221, 223, 224, 225, 250, 252, 253, 258, 271, 273, 274, 282, 283, 284, 311, 313, 315, 323 <i>bis</i> , 324, 326, 350, 356, 363, 364, 373, 375, 392, 399, 418, 419 <i>bis</i> , 429, 437, 491, 511, 512, 516, 525, 532, 543, 555, 569, 572, 587, 590, 603, 604, 605 <i>bis</i> , 606, 607 <i>bis</i> , 609, 618, 628, 611, 652, 672, 680, 682, 685, 689, 691, 694, 695, 696, 700, 717, 720, 721, 729, 732, 733, 750, 756, 777, 784, 785, 799
Speen, James (an Indian), . . . . .	311	Sumner, John, . . . . .	195
Speen, James, jr. (an Indian), . . . . .	311	Sumner, Joseph, . . . . .	528
Speen, John (an Indian), . . . . .	311, 425, 457	Suncook, . . . . .	459, 724, 785
Speen, Josiah (an Indian), . . . . .	449	Sunderland, . . . . .	423, 730, 760
Spot Pond, . . . . .	285	Susannah, the brigantine, . . . . .	375
Sprague, Dorothy, . . . . .	285	Susannah, the sloop, . . . . .	61
Sprague, Edward, . . . . .	285	Sutton, . . . . .	23, 24, 81, 115, 153, 227, 304, 322, 323, 324, 364, 373, 394, 532, 725, 765
Sprague, Jonathan, . . . . .	523, 603, 660, 782, 783	Swan, Asa, . . . . .	142, 150
Sprague, Samuel, . . . . .	546, 585, 609, 610	Swan, Joshua, . . . . .	385
Spragne, Timothy, . . . . .	285, 508, 509, 735, 742	Swan, Robert, . . . . .	142, 150, 682
Springfield, . . . . .	69, 167, 189, 212, 308, 309, 351, 632, 680, 702, 703, 715, 775	Swan Pond Creek, . . . . .	464, 597, 598
Springs, John, . . . . .	753	Swansea, . . . . .	115, 541, 739
Spy Pond Brook, . . . . .	693	Sweetland, John, . . . . .	542, 674, 757, 773
Stacey, —, . . . . .	212	Swift, Josiah, . . . . .	699
Stacey, William, . . . . .	255	Swift, Thomas, . . . . .	699
Stackpole, John, . . . . .	229, 238, 412, 507	Swift River, . . . . .	581
Stagpole ( <i>see</i> Stackpole).		Sydbrother, Samuel, . . . . .	600, 685, 720
Stair Falls, . . . . .	778, 787	Sylvester, Benjamin, . . . . .	519, 691
Stanford, Robert, . . . . .	54, 55	Symmons, Symmonds ( <i>see</i> Simmons).	
Staples, Joseph, . . . . .	603, 605, 607, 608, 609	Symonds Brook, . . . . .	618
Staples, Nathaniel, . . . . .	603		
Starr, Benjamin, . . . . .	745		
Starr, Thomas, . . . . .	745		
Stearns, John, . . . . .	384		
Stel bins, John, . . . . .	548		
Stedman, Caleb, . . . . .	149		
Stedman, Sarah, . . . . .	445, 517		
Stetson, James, . . . . .	616		



# INDEX OF NAMES.

821

	PAGE
<b>T.</b>	
Taft, Benjamin, . . . . .	361
Taft, Daniel, . . . . .	763
Tailer, Col. —, . . . . .	23, 330, 431
Tailer, William, . . . . .	33, 39, 74, 85, 279, 421, 509, 531, 533, 534 <i>bis</i> , 571, 655, 675
Tailer, Lieut. Gov. William, . . . . .	475, 478, 495, 499, 530
Talcot, Gov. Joseph (of Connecticut), . . . . .	517
Talman, John (an Indian), . . . . .	736
Tantensques, . . . . .	127, 265, 307, 316, 379 <i>bis</i>
Tantinsques, Tantiusques ( <i>see</i> Tantensques).	
Tapin, Joseph (an Indian), . . . . .	42
Tar, Joseph, . . . . .	204
Tarbal, Samuel, . . . . .	724
Tarpaulin Cove, . . . . .	147
Tauntou, . . . . .	15, 83, 113, 116, 168, 257, 284, 300, 301, 317, 319, 327, 400, 502, 550, 563, 564, 613, 622, 623, 669
Taunton River, . . . . .	542, 563
Taylor, John, . . . . .	594
Tayntor, Simon, . . . . .	304
Templeton, . . . . .	772
Ten Hills (farm), . . . . .	177
Tenny, John, . . . . .	618
Terry, Samuel, . . . . .	763
Thacher ( <i>see</i> Thatcher).	
Thacher, —, . . . . .	480, 616, 733
Thatcher, Oxenbridge, . . . . .	752, 762
Thatcher, Rev. Peter, . . . . .	58
Thaxter, Lydia ( <i>see</i> Draper).	
Thaxter, Samuel, . . . . .	46, 83, 100, 116, 165, 169, 195, 208, 233, 243, 266, 284, 301, 307, 316, 379 <i>bis</i> , 380, 433, 486, 505, 531, 532, 557, 559, 563, 564, 584, 600, 640, 642, 673, 687, 688, 705, 734, 735, 756, 763, 765, 774, 781, 787, 788, 797
Thaxter, Col. [Samuel], . . . . .	325, 330
Thayer, Aaron, . . . . .	586
Thayer, Benjamin, . . . . .	586
Thayer, Benjamin (son of Benjamin), . . . . .	586
Thayer, Ebenezer, . . . . .	482
Third Herring Brook, . . . . .	39, 73, 74
Thomas, John, . . . . .	162, 174, 196
Thomas, Joseph, . . . . .	113, 617
Thomas and Sarah, the brigantine, . . . . .	439, 440
Thompson, —, . . . . .	384
Thompson, Jacob, . . . . .	113
Thompson, John, . . . . .	143
Thompson, Joseph, . . . . .	286
Thompson, Maj. Robert, . . . . .	286, 458
Thompson, Simon, . . . . .	653
Thomson, Tomson ( <i>see</i> Thompson).	
Thornton, Ebenezer, . . . . .	604, 617, 628
Three Rivers, . . . . .	271
Throop, Capt. William, . . . . .	9, 135, 316, 418
Thurbar, Jonathan, . . . . .	395
Tidmarsh, Gyles du Lake, . . . . .	696, 697, 700, 734, 741, 750 <i>bis</i> , 761
Tilestone, Maj. —, . . . . .	74, 83, 116, 169, 314, 325 <i>bis</i> , 337
Tilestone, Thomas, . . . . .	654
Tilestone, Col. Thomas, . . . . .	673, 772
Tilestone, Maj. Thomas, . . . . .	153, 265, 305, 307, 379
Tilliston ( <i>see</i> Tilestone).	
Tilson, Edmund, . . . . .	676
Tilson, Ephraim, . . . . .	676
Tingley, Timothy, . . . . .	773
Tisbury, . . . . .	311, 639, 656
Tisdale, James, . . . . .	773
Titticut, . . . . .	168, 452, 604, 685
Titticut Indians, . . . . .	452, 604, 685
Tiverton, . . . . .	335, 488, 530, 752, 786
Todd, Abner, . . . . .	618

	PAGE
Toma (an Indian), . . . . .	248
Topsfield, . . . . .	158, 159, 606, 609, 639
Toss, Mary, . . . . .	754
Tothill, Edward, . . . . .	691
Tower, Gideon, . . . . .	605, 607, 608, 609
Townsend, Ebenezer, . . . . .	484
Townsend, Penn, . . . . .	62, 73, 183, 289
Townsend, . . . . .	663, 681, 683, 771
Trap Hole Brook, . . . . .	102
Trask, Elias, . . . . .	665
Trask, Elisabeth, . . . . .	286
Trask, George, . . . . .	727
Trask, John, . . . . .	286
Trask, Samuel, . . . . .	286
Tray, Benjamin (an Indian), . . . . .	458
Trent, Andrew, . . . . .	188
Tresecot, Zachariah, . . . . .	15, 50, 73, 84, 99, 143, 181, 351
Trevot, Richard, . . . . .	164, 165
Trill, Mary, . . . . .	69, 103
Trott, John, . . . . .	176
Trott, Samuel, . . . . .	197
Trott, Thomas, . . . . .	197
Truesdale, Elisabeth, . . . . .	658
Truesdale, Samuel, . . . . .	658
Trull, Samuel, . . . . .	724
Tryal, the sloop, . . . . .	84
Tuck, Adam, . . . . .	363
Tucker, Ephraim, . . . . .	528
Tucker, Johu, jr., . . . . .	314
Tucker, Manasseh, . . . . .	176
Tucker, Richard, . . . . .	621
Tuckerman, John, . . . . .	383, 392
Tufts, Rev. —, . . . . .	627
Tufts, John, . . . . .	84
Tupper, Eldad, . . . . .	595
Tupper, Ichabod, . . . . .	592
Turkey Hills, . . . . .	139, 230, 246, 267 <i>bis</i> , 268, 281, 282, 329, 334, 342, 348, 353, 374, 556, 562, 626, 628, 653 <i>bis</i>
Turner, Capt. —, . . . . .	165
Turner, Col. —, . . . . .	691
Turner, Maj. —, . . . . .	284
Turner, Amos, . . . . .	87, 301
Turner, Capt. Amos, . . . . .	46, 107
Turner, Isaac, . . . . .	73
Turner, John, . . . . .	82, 116, 168, 693, 727, 731, 788
Tyler, Jonathan, . . . . .	285
Tyley, Samuel, . . . . .	121, 180, 270, 287, 340, 341
Tyng, Edward, . . . . .	698
Tyng, Capt. Edward, . . . . .	360, 505
Tyng, Eleazer, . . . . .	60, 112
Tyng, Col. Eleazer, . . . . .	15, 16, 17, 55
Tyng, John, . . . . .	561, 698, 703 <i>bis</i> , 704
Tyng, Maj. William, . . . . .	561, 670
Tyngs Corner, . . . . .	485

## U.

Underwood, John, . . . . .	476
Upham, Richard, . . . . .	138
Upham, Thomas, . . . . .	138
Usher, —, . . . . .	51
Usher, Elizabeth, . . . . .	177, 565, 619
Usher, John, . . . . .	177, 178, 565, 619
Uxbridge, . . . . .	171, 270, 304, 324, 361, 532, 625, 765

## V.

Vardy, Luke, . . . . .	32, 172, 203, 353, 357
Varney, James, . . . . .	773
Verien, Thomas, jr., . . . . .	567
Vesey, John, . . . . .	721

	PAGE
Village, Martin, . . . . .	453
Vinning, William, . . . . .	354
Vinton, John, . . . . .	285
Virginia, . . . . .	621
Vose, John, . . . . .	221

## W.

Waban, Capt. Thomas (an Indian), . . . . .	272, 358
Wachusett Hill, . . . . .	473, 527, 531, 595, 654, 740, 771
Wade's Farm, . . . . .	303
Wadsworth, —, . . . . .	182
Wadsworth, Capt. —, . . . . .	39, 212
Wadsworth, Rev. Benjamin, . . . . .	86, 178, 182, 195, 328, 443, 477, 746
Wadsworth, Joseph, . . . . .	53, 111, 179, 183, 198, 207, 239, 590, 597, 705
Wainwright, —, . . . . .	165
Wainwright, Col. —, . . . . .	397, 471, 693, 705, 733
Wainwright, John, . . . . .	50, 64, 118, 119, 145, 159, 184, 193, 279, 288 bis, 328, 385, 394, 444, 518, 673, 684, 688, 738, 747, 762
Wainwright, Col. John, . . . . .	508
Wainwright, Samuel, . . . . .	245, 259
Waite, Richard, . . . . .	264, 401
Wakefield, Elisabeth, . . . . .	228
Walcot, Josiah, . . . . .	423, 727
Walcot, Mrs. Mary, . . . . .	423, 727
Walcot, Roger, . . . . .	517, 655
Waldo, Daniel, . . . . .	239
Waldo, Samuel, . . . . .	91, 450
Waldron, —, . . . . .	31
Waldron, Mrs. —, . . . . .	621
Wales, Thomas, . . . . .	367
Walker, John, . . . . .	228
Walker, Samuel, . . . . .	451
Walker, Seth, . . . . .	594
Walker, Thomas, . . . . .	228
Walker, Thomas (son of Thomas), . . . . .	228
Wallis, —, . . . . .	659
Wallis, Sarah, . . . . .	659
Walpole, . . . . .	102, 188, 717
Walter, Rev. Nehemiah, . . . . .	522
Walters ( <i>see</i> Waters), . . . . .	
Waltham, Nicholas, . . . . .	632
Walton, John, . . . . .	138
Walton, Peter, . . . . .	79, 142, 143
Wamesit (Purchase) or Winthrop's Farm, . . . . .	309, 345, 373
Wanton, Gov. William (of Connecticut), . . . . .	748
Ward, Nahum, . . . . .	679
Ward, Oliver, . . . . .	794
Ward, Richard, . . . . .	348, 349, 658
Ward, Robert, . . . . .	481, 491
Ward, Thomas, . . . . .	348, 349
Ward, William, . . . . .	231, 427
Ward, Capt. William, . . . . .	179, 485
Wardell, Frances, . . . . .	57, 209, 361, 507
Ware River, . . . . .	105, 656, 678, 714, 723
Warner, Eleazer, . . . . .	505, 598, 599
Warren, Capt. Benjamin, . . . . .	113
Warren, John, . . . . .	572
Waterman, Abigail (an Indian), . . . . .	453
Waterman, Benoni, . . . . .	188, 363
Waterman, Jacob (an Indian), . . . . .	453
Waters, Martha, . . . . .	23
Waters, Richard, . . . . .	23, 153
Waters, Samuel, . . . . .	23
Watertown, . . . . .	139, 227, 230, 284, 305, 306, 438, 553, 587, 595, 654, 694, 740

	PAGE
Watkins, Andrew, . . . . .	329
Watnam, Alice (an Indian), . . . . .	452, 685
Watnam, Charles (an Indian), . . . . .	452, 685
Watson, —, . . . . .	387
Watson, James, . . . . .	233, 356
Wayt ( <i>see</i> Waite), . . . . .	
Webb, John, . . . . .	119
Webb, Peter, . . . . .	482
Webb, Samuel, . . . . .	733
Webster, Joshua, . . . . .	724
Webster, Mary, . . . . .	161, 779
Webster, Nathan, . . . . .	789
Webster, Thomas, . . . . .	779
Webster, William, . . . . .	161
Weeks, George, . . . . .	97
Weir, Thomas, . . . . .	197
Welch, Mary, . . . . .	388, 459
Weld, Capt. —, . . . . .	738
Weld, Joseph, . . . . .	149, 735, 774
Wells, —, . . . . .	233, 279, 337 <i>bis</i> , 463, 472, 526, 527, 535, 567, 600, 612, 616 <i>bis</i> , 620, 637, 640, 693, 733, 773
Wells, Lieut. —, . . . . .	415
Wells, Rev. —, . . . . .	500
Wells, Samuel, . . . . .	290, 461, 563, 584, 612, 659, 667, 673, 705, 738, 762, 795
Wells, Capt. Thomas, . . . . .	37, 46, 90, 100, 112, 169, 333
Wells, . . . . .	239, 316, 582, 636, 656
Welstead, Rev. William, . . . . .	65, 382
Wemasset ( <i>see</i> Wamesit), . . . . .	
Wendell, Jacob, . . . . .	180, 331 <i>bis</i> , 566
Wendell, Col. Jacob, . . . . .	758
Wenham, . . . . .	715, 716
Wentworth, Lieut. Gov. — (of New Hampshire), . . . . .	346, 431
Wentworth, David, . . . . .	672
Wentworth, Ebenezer, . . . . .	672
Wentworth, Ebenezer [jr.], . . . . .	672
Wentworth, Rebecca, . . . . .	672
Wentworth, Samuel, . . . . .	672
West, Peter, . . . . .	13
West, Thomas, . . . . .	126
Westborough, . . . . .	304, 324, 532, 674, 679
Westbrook, Thomas, . . . . .	91, 198
Westbrook, Col. Thomas, . . . . .	83, 93, 94, 186, 229, 360
Westen Hook ( <i>see</i> Housatonic), . . . . .	
Western Indians, . . . . .	262, 330, 334, 659, 784 <i>bis</i>
Westfield, . . . . .	17, 69, 331, 332, 636, 684, 792
Westford, . . . . .	440, 446, 485, 681, 763, 764
Westminster, . . . . .	378
Weston, Thomas, . . . . .	206
Weston, . . . . .	305, 306, 438, 544, 587, 780
Wetherby, John, . . . . .	594
Wewenock Indians, . . . . .	165
Weymouth, . . . . .	506, 512
Wharton, Thomas, . . . . .	360, 361
Wheat, Dr. Joshua, . . . . .	422
Wheeler, James, . . . . .	694
Wheeler, John, . . . . .	694
Wheeler, Jonathan, . . . . .	384
Wheeler, Joseph, . . . . .	384
Wheeler, Richard, . . . . .	384
Wheeler, Thomas, . . . . .	482, 593, 594
Wheeler, Timothy, . . . . .	384
Wheelock, Joseph, . . . . .	724
Wheelwright, John, . . . . .	46, 75, 165, 226, 721, 722
Wheelwright, Col. John, . . . . .	146
Wheelwright, Capt. Samuel, . . . . .	98
Whipple, Joseph, . . . . .	587, 665, 690
Whipple, Matthew, . . . . .	385

# INDEX OF NAMES.

823

	PAGE
Whipple, Matthew, 4th, . . . . .	791
Whitcomb, James, . . . . .	594
White, —, . . . . .	53
White, Capt. —, . . . . .	212, 782
White (Mr. Justice), . . . . .	151
White, Benjamin, . . . . .	126, 154, 730
White, Ebenezer, . . . . .	252, 349
White, Edward, . . . . .	83, 116, 126, 127, 154
White, Eunice, . . . . .	245, 246
White, John, . . . . .	126
White, Capt. John, . . . . .	245, 246, 724
White, Joseph, . . . . .	81, 351
White, Capt. Joseph, . . . . .	85
White, Nicholas, . . . . .	594
White, Peregrine, . . . . .	552
White, Samuel, . . . . .	310, 368, 749, 750
White (née Phillips), Sarah, . . . . .	791
White, Thomas, . . . . .	124, 252
Whitehall Farm, . . . . .	156
White Haven, . . . . .	161
White Hills, . . . . .	271
White Island, . . . . .	521
Whiting, Jeremiah, . . . . .	682
Whiting's Meadow, . . . . .	693
Whitman, John, . . . . .	455
Whitney, Isaiah, . . . . .	594
Whitney, John, . . . . .	594
Whitney, Jonas, . . . . .	594
Whitney, Jonathan, 139, 230, 235, 246, 267 <i>bis</i> , 268, 334, 342, 482, 593, 594	
Whitney, Richard, . . . . .	594
Whittemore, Benjamin, . . . . .	330, 342, 432
Whitten, Elias, . . . . .	236, 250, 251
Whitten, Henry, . . . . .	694, 754, 759, 774
Whitten, Rachel, . . . . .	236, 250
Whittier, Thomas, . . . . .	142, 150
Whittier, William, . . . . .	142, 150
Wier ( <i>see</i> Weir), . . . . .	
Wigglesworth, Sarah, . . . . .	86
Wilder, Col. —, . . . . .	655
Wilder, James, . . . . .	588
Wilder, Joseph, . . . . .	499, 727, 787
Wilkins, John, . . . . .	329
Wilkinson, Daniel, . . . . .	605, 607, 608, 609
Wilks, Francis, 89, 187, 224, 501, 514, 515, 524, 526, 624 <i>bis</i> , 722, 734 <i>bis</i> , 741, 749, 758	
Willard, Abraham, . . . . .	594
Willard, Hannah, . . . . .	145, 597
Willard, Hannah (daughter of Josiah Willard), . . . . .	597
Willard, Henry, . . . . .	594
Willard, Hezekiah, . . . . .	594
Willard, John, . . . . .	594
Willard, Joseph, . . . . .	594
Willard, Rev. Joseph, . . . . .	433, 527
Willard, Josiah, . . . . .	145, 281, 348, 448, 597, 619, 787
Willard, Josiah [Jr.], . . . . .	597
Willard, Josiah (Secretary of the Province), 54, 55, 76, 118, 123, 168, 171, 173, 182, 287, 288, 327, 372, 393, 442, 472, 477, 505, 515, 523, 533, 534, 655, 684, 687, 746, 748	
Willard, Capt. Josiah, . . . . .	24, 352, 417
Willard, Col. Josiah, . . . . .	697, 704, 725, 726, 743, 781
Willard, Capt. Samuel, . . . . .	176, 342, 499
Williams, —, . . . . .	452
Williams, Benjamin, . . . . .	510
Williams, Israel, . . . . .	722, 758
Williams, Capt. Israel, . . . . .	762
Williams, Jonathan, . . . . .	161, 200
Williams, Mary, . . . . .	636

	PAGE
Williams, Seth, . . . . .	452, 489, 528, 685, 751, 777
Williams, Stephen, . . . . .	715
Williamson, George, . . . . .	210, 225
Willis, Benjamin, . . . . .	534
Willis, James, . . . . .	189
Willis, John, . . . . .	366, 491
Willis, William, . . . . .	361
Wilmington, . . . . .	505, 560, 629, 681, 701, 718, 767
Wilson, Daniel, . . . . .	693
Wilson, Elisabeth, . . . . .	394
Wilson, Hannah, . . . . .	503
Wilson, Jacob, . . . . .	18
Wilson, John, . . . . .	329
Wilson, Jonathan, . . . . .	503
Wilson, Robert, . . . . .	125, 232, 436, 556, 771
Wilson, Samuel, . . . . .	482
Winans, Hannah, . . . . .	682
Winans, Isaac, . . . . .	682
Winans, Jacob, . . . . .	682
Winans, Mary, . . . . .	682
Winchester, John, . . . . .	154
Winchester, Sarah, . . . . .	154
Winchester, . . . . .	205
Windsor, . . . . .	792, 793, 795
Wing, —, . . . . .	97
Wingham, Robert, . . . . .	481, 498
Winnegance, . . . . .	55
Winnissimett Ferry, . . . . .	419
Winooski River, . . . . .	271
Winslow, Barnabas, . . . . .	635
Winslow, Edward, 21, 29, 77, 84, 158, 164, 172, 200, 232, 253 <i>bis</i> , 281, 323, 324, 337, 339, 356, 359, 376, 392, 471, 495, 496, 506, 507, 641, 777	
Winslow, Capt. Edward, . . . . .	64, 65 <i>ter</i> , 66
Winslow, Isaac, . . . . .	250, 260
Winslow, John, . . . . .	113, 250, 389, 621
Winslow, Josiah, . . . . .	53, 34
Winslow, Josiah, jr., . . . . .	125
Winslow, Capt. Josiah, . . . . .	33, 34, 234, 250
Winslow, Sarah, . . . . .	125
Winter, William, . . . . .	621
Winter Harbor, 75, 91, 101 <i>bis</i> , 121, 139, 146, 162, 175 <i>bis</i> , 341, 360, 377, 400, 412, 460, 509, 514, 759	
Winthrop, Maj. Gen. —, . . . . .	379
Winthrop, Adam, . . . . .	39, 463, 546, 730
Winthrop, John, . . . . .	127, 265, 307
Winthrop, Waitstill, 127, 153, 265, 266, 307, 316, 379 <i>bis</i> , 380	
Winthrop's Farm ( <i>see</i> Wamesit (Purchase) or Winthrop's Farm), . . . . .	
Wise, Rev. —, . . . . .	421
Wiswall, Enoch, . . . . .	205
Witherby, Thomas, . . . . .	682
Woburn, 89, 193, 194, 253, 254, 326, 384, 397, 451 <i>bis</i> , 459, 488, 489, 490, 518, 588, 592, 631, 633, 701, 718, 726, 729, 742, 786	
Wolcott, Wilcot ( <i>see</i> Walcott), . . . . .	
Wonnoc, Isaac (an Indian), . . . . .	39
Wood, Elisabeth, . . . . .	156
Wood, John, . . . . .	140, 223
Wood, Capt. John, . . . . .	156
Wood, Nathaniel, . . . . .	485, 486
Wood, Samuel, . . . . .	453
Wood, Solomon, . . . . .	171
Woodbridge, John, . . . . .	58
Woodman, Jonathan, . . . . .	165
Woods, John, . . . . .	45
Woodside, Capt. James, 162, 175 <i>bis</i> , 196, 268, 341 <i>bis</i> , 344, 357, 400, 402, 460, 461, 509, 569	

	PAGE		PAGE
Woodside, Ensign James, . . . . .	26 <i>bis</i> , 27, 114 <i>bis</i>	Wyman, Jacob, . . . . .	397
Woodside, Capt. William, 26, 111, 114, 183, 247, 248, 320, 339, 340		Wyman, Jasher, . . . . .	683
Woodstock, . . . . .	303, 310, 324, 532, 582, 625	Wyman, Sarah, . . . . .	102
Worcester, . . . . .	227, 324, 532, 585, 683, 753, 770	Wyman, Capt. Seth, . . . . .	18, 102, 103
Worcester County, 651 <i>bis</i> , 678, 679, 683, 713, 756, 763, 782, 788		Wyton, Elisha, . . . . .	676
Worminster, . . . . .	120	<b>X.</b>	
Worth, John, . . . . .	76	Xavier, Francis (an Indian), . . . . .	251
Wrentham, 8, 144, 276, 556, 603, 606, 717, 754, 756, 773, 782, 788		<b>X.</b>	
Wright, —, . . . . .	177	Yardley, Richard, . . . . .	600
Wright, Benjamin, . . . . .	194	Yarmouth, . . . . .	22, 187, 767
Wright, Capt. Benjamin, . . . . .	305, 400, 598	Yeomans, Elizabeth, . . . . .	19
Wright, Ebenezer, . . 69, 137, 162, 169, 212, 345, 492 <i>bis</i>		Yeomans, John, . . . . .	19
Wright, Jacob, . . . . .	325	York, . . 31, 32, 42, 54, 58, 62, 107, 167, 582, 636, 698, 699	
Wright, Joseph, . . . . .	105, 680, 724, 728	York County, 8, 14, 31, 67, 70, 91, 93, 94, 95, 107, 163, 167, 172, 189, 239, 281, 342, 349, 350, 356, 360, 456, 502, 505, 551, 567, 582, 589, 590, 607, 615, 669, 670, 681, 698, 699, 703, 704, 742, 758	
Wright, Samuel, . . . . .	598, 740	York River, . . . . .	636
Wright, Capt. Samuel, . . 49, 87, 438 note, 581, 599		Youngman, Jonathan, . . . . .	523
Wright, Thomas, . . . . .	685, 720		
Wrightington, Margaret, . . . . .	348		
Wroe, Joshua, . . . . .	161		

---

---

# GENERAL INDEX.

---

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[825]



# INDEX.

## A.

### ABATEMENT.

of Province tax :	
in Mendon, . . . . .	85
in Middleborough, . . . . .	149
in Hopkinton, . . . . .	449
of ministerial tax :	
in Lancaster, Groton and Stow, . . . . .	593

### ACADIA. (*See* Nova Scotia.)

### ACCOUNTS. (*See* Administration of Estates, Commissioners, County Treasurers, Treasurer of the Province.)

power to contest, . . . . .	201, 250, 253, 326
of Dr. George Pemberton audited by Dr. Thomas Roby, . . . . .	395

### ACTION. (*See* Appeal or New Trial, Complaints, Equity, Review, Writ of, Treasurer pass.)

to review an, . . . . .	31, 592, 601, 604, 617, 741
for recovery of land, . . . . .	103
of debt, . . . . .	267
on the case :	

failure to prosecute an appeal in, and request for relief, . . . . . 291

allowance to John Read for defouling an, . . . . .	303
power to re-enter an, . . . . .	373, 680, 685, 720
power to enter an, . . . . .	516, 733, 734
cross, against Joseph Brown, . . . . .	541
power to enter an, in name of the attorney, . . . . .	628

### ACTS.

allowance for printing the, . . . . .	11
publishing the, of the General Assembly, . . . . .	32
as to raising hemp, . . . . .	37
concerning the House of Representatives, . . . . .	156
for preventing persons under age, apprentices or servants being transported out of the Province, . . . . .	164
for the better inquiry into the rateable estate of this Province, . . . . .	186
for preventing and removing doubts as to writs, etc., issued in the late king's name, . . . . .	202
for the encouragement of linen manufacture, . . . . .	290
allowance for printing impost and tax, . . . . .	314
for dividing Haverhill and erecting a new town by name of Methuen, . . . . .	398
for retrieving and ascertaining the value of the bills of credit on this Province, . . . . .	463
as to settlement and support of ministers beyond this Province, construction of, . . . . .	512
as to apportioning and assessing a Province tax, . . . . .	622
as to the settlement and support of ministers, . . . . .	637
to authorize commissioners as to the western boundary of Massachusetts and Rhode Island, . . . . .	655

### ACTS — *continued.*

for erecting the north and easterly part of Woburn and west part of Reading into a town by the name of Wilmington, . . . . .	718
for granting an excise for wines, etc., . . . . .	729
for highways, . . . . .	742
made in the sixth year of the late King George [the First] :	
as to posting up notifications of sale of land, . . . . .	766
as to sale of land by guardians, . . . . .	778
as to the regulation of the decrees and other proceedings of the judges of probate, . . . . .	798
made in the fourth and fifth years of King George, the Second :	
as to selling land for payment of taxes, . . . . .	793
made in the sixth year of King George, the Second :	
for payment of town and precinct rates and assessments, . . . . .	793

### ADDRESS.

to King George, the First :	
as to confirmation of boundary, . . . . .	52
to be sent to and presented by Agent Dummer, 187	
to King George, the Second :	
expense in presenting the, . . . . .	224
as to the boundary between Massachusetts and New Hampshire, . . . . .	396
committee to prepare an, . . . . .	526

### ADMINISTRATION OF ESTATES. (*See* Executor or Administrator, Power.)

petition of John Corey and Samuel Billing to be admitted creditors to estate of Benjamin Bate, . . . . .	272
false accounts in, . . . . .	454, 519

### ADMINISTRATOR. (*See* Executor or Administrator.)

### AGED AND INFIRM PERSONS. (*See* Insane, Infirm and Weak-minded Persons.)

### AGENTS.

of east precinct of Bridgewater :	
Ebenezer Byram, . . . . .	39
Jonathan Bass, . . . . .	39
John Orentt, . . . . .	39
of the Province :	
Jeremiah Dummer :	
letter to, as to any complaint of New Hampshire against a grant for a town at Pennacook, . . . . .	53
to be furnished with information as to boundary, . . . . .	53
map of the Merrimac River to be sent to, . . . . .	114
representation of the matter of the Prohibitions to be transmitted to, . . . . .	117
allowance to, for services, . . . . .	117

**AGENTS — continued.**of the Province — *continued.*

Jeremiah Dummer — <i>continued.</i>	
address to the king to be sent to and presented by, . . . . .	187
Treasurer to supply the, in England with funds for use of the Province, . . . . .	499, 500
Francis Wilks of London:	
elected, . . . . .	514
Treasurer to send furs to, . . . . .	524
draft of instructions to, . . . . .	526
committee to prepare a draft of instructions to, . . . . .	620
allowance to, for services, . . . . .	624, 749
bills of exchange to be sent to, for use of the Province, . . . . .	624
instructions to, as to the "Gore" of land of Attleborough and boundary between Massachusetts and New Hampshire, . . . . .	733
instructions to, relative to the boundaries of the Province, . . . . .	734
draft of a letter to, as to tax on fishermen, . . . . .	758
Richard Milbury, . . . . .	597
of Chebaquedock:	
Simon Butler:	
breach of trust of, . . . . .	75
in London:	
Anthony Sanderson:	
allowance to, for expenses, etc., for service of the House of Representatives, . . . . .	89
Samuel Waldo:	
for Ralph Gulston, of London, . . . . .	91
for the precinct of Cohasset:	
John Jacobs, . . . . .	244
for Hopkinton:	
John Jones, . . . . .	436
Joseph Bisby, . . . . .	440
John Brewer, . . . . .	449
power to levy half the taxes on unimproved land, . . . . .	449
for inhabitants of Falmouth:	
Samuel Cobb, . . . . .	450
of the House of Representatives:	
allowance to:	
Francis Wilks for services as, . . . . .	501
Jonathan Belcher for services as, . . . . .	504
subscribers of funds sent to, . . . . .	504
for Puncataesset Purchase:	
Job Almy, . . . . .	530
Thomas Manchester, . . . . .	530
for York:	
Peter Nowell, . . . . .	582
for inhabitants of Salem, Topsfield, etc.:	
Samuel Hayward, . . . . .	609
for Plympton:	
Samuel Sturtevant, . . . . .	617
Joseph Thomas, . . . . .	617
for Lunenburg:	
Josiah Willard, . . . . .	619
Edward Hartwell, . . . . .	619
Isaac Farnsworth, . . . . .	627
for second parish in Newbury:	
Thomas Hale, . . . . .	627
for north parish in Reading:	
Jonathan Parker and others, . . . . .	629
for the Christian Indians in Tisbury:	
Experience Mayhew, . . . . .	639
for Biddeford:	
John Gordon, . . . . .	667
for certain towns in Suffolk and Middlesex counties:	
petition of, to be made a separate county, . . . . .	717

**AGENTS — continued.**

for Sutfield:

Christopher Jacob Lawton:	
further time allowed for laying out land, . . . . .	752

**ALEWIVES.**

protection of, . . . . .	639
--------------------------	-----

**ANABAPTISTS, . . . . . 637****ANNEXATION.**

of inhabitants of north Charlestown to Malden, . . . . .	18
of farms to Sutton, . . . . .	23, 81
of inhabitants of Wamesit to Chelmsford, . . . . .	28
of land to Rochester, . . . . .	136
of families in Malden to Reading, . . . . .	138
of families in Stoughton to Walpole, . . . . .	188
petition for, of inhabitants of Bridgewater, north precinct, to Easton, . . . . .	261
of families in Sutton to Westborough, . . . . .	304
of families in Scituate to Pembroke, . . . . .	312
of farm of Samuel Rich to Sutton, . . . . .	323
of family of Moses Curtis from Stoughton to Braintree, . . . . .	333, 352
of farm to Marlborough, . . . . .	455
of farm to Stow, . . . . .	455
of families in Needham to Natick, . . . . .	476
of families in Groton to Westford, . . . . .	484
of families in Sudbury to Stow, . . . . .	497, 529
of families to Bridgewater, . . . . .	520
of farm to Oxford, . . . . .	624
of land to Southborough, . . . . .	674
of families in Stoughton to Dedham, . . . . .	682, 706

**ANNIVERSARY.**

celebration of the, of the birthday of the king, . . . . .	9
allowance for expense of the, . . . . .	29
celebration of the, of the accession of King George the Second to the throne, . . . . .	313, 586
allowance for expenses on the, of the accession of King George the Second to the throne, . . . . .	323, 495
entertainment of members of the General Assembly on the, of the king's coronation, . . . . .	520
celebration of the, of the king's coronation, . . . . .	737

**APOTHECARY.**

Peter Califf:	
allowance to, for medicine, . . . . .	280

**APPEAL OR NEW TRIAL**

reasons of appeal, 9, 148, 187, 189, 437, 454, 488, 569, 622, 733, 745, 754, 773, 790	
---------------------------------------------------------------------------------------	--

petition of:

John and Elizabeth MacLeland for an appeal, . . . . .	9
John Yeoman for an appeal from a sentence, . . . . .	19
Capt. John Gyles in regard to an appeal, . . . . .	31
Capt. Josiah Winslow and others to bring forward a writ of ejectment as to land taken by rule of court, . . . . .	33
Stephen Boutineau for a new trial, . . . . .	47
proprietors of Dunstable for a new trial after judgment by default, . . . . .	59
Josiah Winslow and Sarah, his wife, for an appeal from a decree in probate, . . . . .	125
Thomas Barden to file reasons of appeal, . . . . .	148
Samuel Sturgis, agent for west precinct of Yarmouth, to enter an appeal from a judgment, . . . . .	187
James Willis for a trial of an appeal from a judgment, . . . . .	189
Joseph Priest for a new trial, . . . . .	284
Rebecca Covel for a trial of an appeal from a judgment, . . . . .	291
Benoni Waterman for a trial by jury, . . . . .	363
Richard Sutton to re-enter an appeal, . . . . .	364
John Willis allowed a new trial, . . . . .	366



**APPEAL OR NEW TRIAL—continued.**

further allowance to Nathaniel Peasley to prosecute an appeal, . . . . .	375
petition of:	
Jacob Wyman for a new trial referred to next May session, . . . . .	397
John Cobbet and Samuel Read for an appeal, . . . . .	429
Samuel Greenleaf for a new trial, . . . . .	437
Martin Village for a new trial, . . . . .	453
William Almy of Freetown to file reasons of appeal, . . . . .	454
Daniel Easterbrook for a new trial, . . . . .	475
William Almy of Tiverton to prosecute an appeal, . . . . .	488
John Green for a new trial, . . . . .	493
Jacob Austin to enter an appeal, . . . . .	498
Jacob and Pierson Richardson to be admitted to a new trial because of mistake, . . . . .	499
Daniel Eastabrook for a new trial, . . . . .	503
appeal quashed for mistake, . . . . .	508
petition of:	
Benjamin Sylvester for trial of an appeal, . . . . .	519, 601
William Anthony for a new trial, . . . . .	541
Elijah Eastabrook for an appeal from a judgment, . . . . .	569
Peter Nowell to prosecute an appeal from a judgment, . . . . .	582
Pierson and Jacob Richardson for a new trial, . . . . .	599
Peter Allen for an appeal from a judgment, . . . . .	622
power to Perez Rice to enter an appeal from a sentence, . . . . .	679
petition of:	
Benjamin Hammond for an appeal from a sentence, . . . . .	681
John Hewlet to enter an appeal, . . . . .	739
Thomas Sever and Thomas Webster to give bond to prosecute an appeal, . . . . .	779
power to Samuel Blood to appeal from a sentence, . . . . .	790
petition of Stoneham for an appeal, . . . . .	794
petition of William Carley for a new trial, . . . . .	798
<b>ARBITRATION AND AWARD.</b>	
an action of trespass and ejectment, . . . . .	33
in regard to Indian's interest in Chebaquedock, . . . . .	75
in regard to fences, . . . . .	125
on action between David Gould and Timothy Sprague, . . . . .	509
on action between Ichabod Tupper and Timothy Bourne, . . . . .	592
<b>ARMORERS.</b>	
for truck-houses, . . . . .	190
shop for, at St. George's River, . . . . .	261
<b>ARMS.</b>	
cleaning and mending Province, 14, 59, 127, 179, 196, 223, 226	
cleaning and mending, . . . . .	45
Capt. Peter Oliver to be credited with Province, delivered to two soldiers who deserted, . . . . .	51
lost, belonging to soldier, . . . . .	169
<b>ARMY.</b> ( <i>See</i> Billeting Soldiers, Blockhouse at St. George's River, Blockhouse above Northfield, Castle William, Eastern Frontiers, Enlistment, Expresses, Ferriage, Fort Dummer, Fort George, Fort Mary, Fort at Richmond, Horses, Impressment, Indians, Master or Commander, Medical Services, Medicine, Muster-rolls, Physicians and Surgeons, Pilots, Provisions, Ships, Sloops, Soldiers, Sailors or Men at Sea, Supplies, Transports, Vessels, Victualling, Volunteers, Wages, Western Frontiers.)	

**ARTILLERY.**

removal of, from Fort Mary to Pemaquid, . . . . .	759
---------------------------------------------------	-----

**ARTILLERY COMPANY.**

in Boston:	
petition of committee of, to sell land, . . . . .	588

**ASSAULT AND BATTERY.**

at house of William Mudgett of Haverhill, . . . . .	234, 309
upon member of the legislature, . . . . .	750, 761

**ASSESSMENTS** (*See* Taxes.)**ASSESSORS.**

power to, to tax:	
all land in Leicester, . . . . .	41
unimproved land in Abington, . . . . .	160
certain land in Leicester, . . . . .	230
land in Rutland, . . . . .	237
land in new precinct in Braintree, . . . . .	367
unimproved land in Lunenburg, . . . . .	372
non-residents of Biddeford, . . . . .	411
unimproved land in Oxford, . . . . .	428
unimproved land in Hopkinton, . . . . .	436, 449
all land in lower town of Housatonic River, . . . . .	521
all unimproved land in Biddeford for support of the ministry and school, . . . . .	667
all land in Townsend, . . . . .	683
land of non-residents in Rutland, . . . . .	687
all land in Dudley, . . . . .	690
the north part of Rutland, . . . . .	715
land of non-residents in Nottingham, . . . . .	776
certain land in the Elbows, . . . . .	793
to deduct tax from the poor, etc.:	
of Mendon, . . . . .	85
of Middleborough, . . . . .	149
in west precinct of Bradford as to ministerial rates, . . . . .	739
more time allowed the, . . . . .	186
power to, of Chelmsford, Concord and Billerica to assess Westford and Bedford, . . . . .	440, 446
Meletiah Bourne, . . . . .	553
Ezra Bourne, . . . . .	553
of lower town on Housatonic River to assess the grantees equally, . . . . .	561
to assess inhabitants of Raynham and Taunton as to the Province tax, . . . . .	622
power to, of Lancaster, Groton and Stow as to taxes in Harvard, . . . . .	678
confirming of, of the west precinct in Yarmouth, . . . . .	767
<b>ASSIGNEES.</b>	
Samuel Sydbothom and others, of Richard Yardley, . . . . .	600
<b>ASSIZE COURT.</b>	
expense of attending, . . . . .	42
Hampshire County:	
Thomas Baker to appear at, . . . . .	167
to sit in Barnstable County, . . . . .	241
Bristol County:	
prisoners to appear at, . . . . .	608
Suffolk County:	
power to justices of, to hear and try case, . . . . .	733
<b>ASSOWAMSETT.</b> ( <i>See</i> Indians in Middleborough.)	
<b>ATTORNEY GENERAL.</b>	
Joseph Miller, allowance for services as, . . . . .	417
<b>ATTORNEYS.</b>	
— Waldron, . . . . .	31
Peter Luce, to prove debt against estate of Col. Gyles Dyer, . . . . .	142
John Read, to Samuel Banister, . . . . .	166
George Hugh, . . . . .	189
Sylvanus Bourne of Barnstable, to Eleazer Colman, . . . . .	247

**ATTORNEYS — continued.**

Thomas Cushing, jr., to Joseph Thompson of London, . . . . .	286
John Read, . . . . .	303, 541, 547, 783
to David Hayward, . . . . .	783
Capt. Wentworth Paxton, . . . . .	326
Jonathan Plympton, to John Absalom, . . . . .	367
Benjamin Gallop, to James Shea, . . . . .	481
John Overing, . . . . .	541
John Osborne and company, to assignees of Richard Yardley, . . . . .	600
power to have, to assist in the prosecution of Job Bartlett and others, . . . . .	613
Ebenezer Everett, . . . . .	628
William Shirley, in behalf of the Palatines, . . . . .	631, 778
allowance to, for services, . . . . .	778
Elkanah Leonard, for constable of Attleborough, . . . . .	651
Edward Tothill and Michael Usher, to Joseph Boiden Jemain, . . . . .	690
William Bolland, to Thomas Falkner, . . . . .	694, 759
Joseph Colton, to John Anderson, . . . . .	702, 720
Benjamin Soul, to Joseph Soul, . . . . .	730
Perez Bradford, . . . . .	739

**ATTORNEYS — continued.**

Philip Bongarden, to selectmen of Edgartown, . . . . .	784
Edward Shove employed as, for officers arrested in the Gore of Attleborough, . . . . .	798

**AUCTION.**

sale of land at:	
in Marblehead, . . . . .	255
Oyster Island, . . . . .	260
belonging to Indians, 311, 452, 566, 602, 625, 634, 731, . . . . .	765
near Manchaug Pond, . . . . .	322
in Newton, . . . . .	658
in Ipswich, . . . . .	662
in Salem and Marblehead, . . . . .	665
belonging to Benjamin Bryant, of Plympton, . . . . .	678
in Boston, . . . . .	682, 798
belonging to the late Jonathan Moore, . . . . .	683
in Plymouth, . . . . .	691
in Wenham, . . . . .	715
belonging to the late Thomas Bryant, jr., . . . . .	716
in Newton, . . . . .	753

**AWARD. (See Arbitration and Award.)****B.****BAGGAGE.**

transportation of, . . . . .	190
------------------------------	-----

**BAIL.**

required for Job Bartlett and others, . . . . .	605
-------------------------------------------------	-----

**BAKER.**

William Speakman, Boston, . . . . .	753
-------------------------------------	-----

**BAPTISTS.**

prisoners released from jail to have benefit of the late law of the Province made for the ease of, . . . . .	395
Anabaptists, . . . . .	637

**BARBADOS, ISLAND OF.**

merchants:	
Andrew Trent, . . . . .	188
Benoni Waterman, . . . . .	188
committee appointed to give instructions to the agent as to the affair of, . . . . .	535

**BARLEY.**

receivable in payment of taxes, . . . . .	170
-------------------------------------------	-----

**BARN.**

lost by fire, . . . . .	107
sale of Indian land to build, . . . . .	550

**BARNSTABLE COUNTY.**

treasurer's accounts of. ( <i>See County Treasurers.</i> )	
commissioners for letting out £100,000 loan. ( <i>See Loan.</i> )	
superior court and court of assize to sit in, . . . . .	241

**BARREL-BEEF.**

receivable in payment of taxes, . . . . .	170
-------------------------------------------	-----

**BARREL-PORK.**

receivable in payment of taxes, . . . . .	170
-------------------------------------------	-----

**BASTARDY CASE, . . . . .****BASTARD CHILDREN, . . . . .****BATTERY.**

allowance for expenses at, on day of the Governor's arrival, . . . . .	506
------------------------------------------------------------------------	-----

**BAYBERRY.**

receivable in payment of taxes, . . . . .	170
-------------------------------------------	-----

**BEACON ISLAND.**

lighthouse at, . . . . .	38
repairs of dwelling house at, . . . . .	54

**BEAVER.**

given by Indians in place of ox killed, . . . . .	316
treasurer to consign, to Francis Wilks, agent, . . . . .	524

**BEAVER SKINS.**

for manufacture of hats, . . . . .	426
------------------------------------	-----

**BEDS OR BEDDING.**

for truck-house at St. George's River, . . . . .	252
--------------------------------------------------	-----

**BEEF.**

purchased for Lieut. Governor and others, . . . . .	196
-----------------------------------------------------	-----

**BEER.**

allowance for, at the ratification of the treaty, . . . . .	66
-------------------------------------------------------------	----

**BEESWAX.**

receivable in payment of taxes, . . . . .	170
-------------------------------------------	-----

**BELL.**

damage to, taken in vessel, . . . . .	123
---------------------------------------	-----

**BILL.**

committee to prepare, . . . . .	182
leave to bring in a, 241, 385, 532, 629, 661, 753, 768, 796 entitled, An Act for retrieving and ascertaining the value of the bills of credit on this Province, 463	
committee appointed for a draft of a, empowering commissioners to settle boundary, . . . . .	584
committee as to settling a, on boundary between Massachusetts and New Hampshire, . . . . .	617
allowance to, . . . . .	617

**BILLETING SOLDIERS.**

allowance for, . . . . .	54
--------------------------	----

**BILLS OF CREDIT.**

counterfeiting of, . . . . .	12
emission of, . . . . .	34, 91, 170, 264, 321, 363, 435
tax as security for, . . . . .	34, 91, 170, 264, 321, 363, 435
Province tax delivered in, to master of a sloop, . . . . .	71
torn, defaced, unserviceable or worn out, 72, 238, 542	
burning of, . . . . .	72
lost by fire, . . . . .	141, 376, 615, 652, 718, 780, 783
committee to prepare a bill to prevent oppression by any alteration in the value of, . . . . .	182
committee to take account of, and burn, 198, 527, 738	
ten shilling, to be exchanged, . . . . .	238
committee appointed to sign, in place of others deceased, . . . . .	289
imprinting of, . . . . .	289, 318, 624, 737, 755

**BILLS OF CREDIT—continued.**

committee as to method for retrieving the value of,	290
new plate of a scroll for,	335
lost,	399
petition for, of a new form,	566
exchange of defaced,	606, 677, 738, 795
signed by three hands, to be redeemed,	733
emission of, on Rhode Island,	748

**BILLS OF EXCHANGE.**

purchase of:	
consigned to Francis Wilks, London,	89
to be sent to Francis Wilks, agent, for the use of the Province,	624

**BIRTHDAY.**

celebration of the anniversary of the king's,	9, 29
allowance for entertainment on the queen's,	392

**BISCUIT.**

allowance to Col. John Schuyler for, taken up by Capt. Joseph Kellogg,	331
---------------------------------------------------------------------------	-----

**BLACK HORSE TAVERN.**

in Boston,	510
------------	-----

**BLACK LEAD MINES OR TANTEUS-**

QUES,	127, 265, 307, 316, 379 <i>bis</i>
-------	------------------------------------

**BLACKSMITH.**

Robert Wilson,	232
John Fosdick,	383

**BLANFORD, the ship.**

Capt. George Prothro, commander:	
Gov. Jonathan Belcher came to this Province in,	487
allowance to, for services,	487

**BLANKETS. (See Stroud.)**

for Indians,	251
for Indian chiefs,	289
of stroud for Indians for service,	347

**BLOCK HOUSES. (See Truck-houses.)**

at St. George's River:	
Capt. William Kennedy (Canada), commander,	22
allowance to, for repairs,	22
muster-roll of garrison at,	30
Capt. John Gyles, commander,	25
muster-roll of garrison at,	25, 76, 199, 245, 338, 386, 414
indent of stores by, for,	66, 199, 347, 384, 596
power to make necessary repairs at,	204
allowance to, for disbursements on the chiefs of the Penobscot Indians,	245
additional allowance to, for services as to the Indian trade,	256
allowance for repairs and materials at,	96
medicine and medical services for soldiers at,	194
Samuel Wainwright to reside at,	244
gunpowder for,	261
missionary for the Indians to reside at, and act as chaplain,	669
above Northfield:	
Capt. Timothy Dwight, commander:	
muster-roll of garrison at,	106
committee as to locating a trading house at the,	266
Capt. Joseph Kellogg:	
muster-roll of garrison at,	396
allowance to, for goods lost, etc.,	601
powder and shot for the Indians to be kept at,	600
missionary for the Indians to reside at, and act as chaplain,	669
proposal as to building, on the western frontiers,	787
<b>BLOCKMAKER.</b>	
Benjamin Snelling, Boston,	798
<b>BLUE ANCHOR TAVERN.</b>	
in Cambridge:	
license to John Hovey to keep,	387

**BOARDS.**

purchased for the public,	79
for repairs at Castle William,	411

**BOAT.**

hire of, allowance for,	146
new cable for, at lighthouse,	191, 622
allowance for repairing lighthouse,	302
allowance for securing lighthouse,	358
for transporting stores,	392
sails for, at lighthouse,	445
allowance for repairing,	613
lighthouse, lost at sea,	764
new, for lighthouse,	764

**BOND.**

power to put, in suit anew,	148
forfeiture of a,	189
put, in suit for recovery of silver money,	475
put, of collector of York County, in suit,	615
fraudulently putting, in suit,	730
neglected to give, through ignorance of the law,	779

**BOOKS.**

for Council and House of Representatives,	98
for Secretary's office,	99
allowance for transportation of,	419
allowance for removing, belonging to the General Assembly,	448

**BOOKSELLER.**

Samuel Gerrish:	
allowance for printing sermon by Rev. Peter Thatcher,	58
allowance for printing sermon by Rev. — Baxter,	163
allowance for election sermons,	173
Daniel Henchman:	
allowance for printing sermons by Rev. Joseph Sewall and Rev. Thomas Prince,	213
Thomas Hancock:	
allowance for printing sermon by Rev. — Wise,	421

**BOOM.**

across the Merrimac River,	285
----------------------------	-----

**BOUNDARY LINES.**

between Massachusetts and New York,	12, 108, 562, 688
between Massachusetts and New Hampshire,	52, 108, 268, 396, 517, 584, 610, 617 <i>bis</i> , 620, 733
between Massachusetts and Connecticut,	110, 282, 306, 684, 790
allowance to committee for surveying,	795
of north precinct of Plymouth,	13
between the two precincts in Bradford,	40
of land, partly in Scituate, partly in Abington, to be made a town,	73
Bound Brook River, between Scituate and Hing- ham; also, between counties of Plymouth and Suffolk,	87
of new town to be set off from Dedham and Dor- chester,	102
between Leicester and Brookfield,	137, 256, 455, 485
change of, as to Malden and Reading,	138
as to Bellingham and Wrentham,	143, 276, 788
of a new town, parts of Salem, Andover, Boxford and Topsfield,	168
as to Taunton and Titticut,	168
of Northfield,	177
of the north-west part of Woburn,	193
of new precinct in Woburn,	488
of land granted to heirs of Capt. John Allen,	231
of Tanteusques or the Lead Mines,	265, 379
of Maine,	283, 317

**BOUNDARY LINES—continued.**

of Sutton and Westborough, . . . . .	304
of Watertown and Weston, . . . . .	305
of new precinct on south side of Mt. Holyoke, . . . . .	351
of Pennacook, . . . . .	354
of Dedham and Stoughton, . . . . .	368
of new precinct in Haverhill, . . . . .	368, 789
of new towns confirmed to Narragansett soldiers, . . . . .	378 <i>his</i> , 769, 770, 771, 772, 785
of new town set off from Concord and Billerica, . . . . .	384
of Province lands granted to John Richardson and others of Dunstable, . . . . .	416
of Sunderland, . . . . .	423
renewal of, of land granted to Edward Hutchinson and Mary Walcott, . . . . .	423
of Braintree, . . . . .	433, 781
of Marlborough, . . . . .	455
as to a township, part of Lancaster, Stow and Groton, . . . . .	482
of north-eastern part of Lancaster, . . . . .	568
as to estates of Jonas Prescott and others, . . . . .	484
between Sudbury and Stow, . . . . .	497, 529
of North Yarmouth, . . . . .	509, 635, 641
between Massachusetts and Rhode Island, . . . . .	523, 532, 591, 616, 620, 640, 655, 660, 673, 687, 705, 713, 755, 773, 782
dispute over, with arrest of officers, . . . . .	755
controversy about, . . . . .	786
of land granted to heirs of Rev. Joseph Willard, . . . . .	527
of Puncassetts Purchase, . . . . .	530
of land granted to the president and fellows of Harvard College, . . . . .	546
as to the two precincts in Framingham, . . . . .	546
of north town of Turkey Hills, . . . . .	556, 582, 626
of Marshfield and Scituate, . . . . .	557
of Reading and Wilmington, . . . . .	560
of Hathon's Farm, . . . . .	564, 653
between the precincts in Rowley, . . . . .	570, 618
of land confirmed to Capt. Andrew Robinson, . . . . .	581
of land near Oxford to be made a township, . . . . .	582, 629
between the two precincts of the west precinct of Newbury, . . . . .	583
between the two precincts in Plympton, . . . . .	583
of precinct set off from Norton, . . . . .	594
of land confirmed to Experience Mayhew, . . . . .	595
of land confirmed to Capt. Benjamin Wright, . . . . .	598
of land confirmed to Eleazer Warner, . . . . .	599
of land confirmed to Samuel Patridge, . . . . .	632
of new precinct in York, . . . . .	636
of land confirmed to heirs of Rev. Benjamin Allen, . . . . .	654
of land granted to Gov. Jonathan Belcher, . . . . .	663
of land confirmed to Lunenburg, . . . . .	664, 699
of land confirmed to heirs of Hon. William Tailer, . . . . .	675
of land confirmed to heirs of Rev. Peter Hobart, . . . . .	675
of new precinct in Plympton, . . . . .	676
of new precinct in Cambridge, . . . . .	694
of new town on east side of the Connecticut River, . . . . .	697, 725
petition as to, of Billerica, . . . . .	701
of land granted to James Hovey, . . . . .	714
of new town on Contoocook River, . . . . .	714
of Dedham, south precinct, . . . . .	718
of Hatfield, . . . . .	722, 756
of land confirmed to Joshua Lamb and others, . . . . .	723
of land confirmed to John Bennet and others for a town, . . . . .	726
of land confirmed to William Hack, . . . . .	730
of land confirmed to heirs of Anthony Stoddard and Capt. Weld, . . . . .	738
of land confirmed for a school in Cambridge, . . . . .	740

**BOUNDARY LINES—continued.**

of land confirmed to Capt. Joseph Stevens, . . . . .	740
of land confirmed between Northfield and Lunenburg, . . . . .	743
of land confirmed to Joseph Mallinson, . . . . .	744
of land in Scituate belonging to Joseph Stockbridge and Job Otis, . . . . .	750
of West precinct in Roxbury, . . . . .	774
of township at Paquoiaq, . . . . .	775
of precinct in Concord, . . . . .	776
of new town above Berwick, . . . . .	779
of land confirmed to Benjamin Smith, . . . . .	781
of the two towns on Ashuelot River, . . . . .	781
of land confirmed to John Choate, . . . . .	790
<b>BOUNTY.</b>	
to the manufacture of duck or canvas, . . . . .	52, 116, 241, 260, 724
for hemp, . . . . .	205
<b>BRAZILETTO WOOD.</b>	
supposed to be taken in payment of bond, . . . . .	167
<b>BREAD.</b>	
for Indian trade at Biddeford, . . . . .	241 note
percentage allowed on waste on, retailed, . . . . .	252
<b>BREAKING AND ENTERING.</b>	
a house in Haverhill, remedy for, . . . . .	234, 300
<b>BRENTON'S FARM OR NATICOOK.</b>	
grant of Province land adjacent to, . . . . .	416
<b>BRIDGES.</b>	
Pawtucket:	
allowance for repairing, . . . . .	311
committee to demolish, . . . . .	474
demolished by committee, . . . . .	490
over Charles River:	
to be rebuilt, . . . . .	441
petition of Newton to be exempt from repairing or building, . . . . .	543
petition of Lexington to be exempt from maintaining the, . . . . .	544
petition of Weston for the demolition of, . . . . .	544
petition of Needham for the demolition of, . . . . .	544
petition of Framingham for the demolition of, . . . . .	545
petition of Sudbury for the demolition of, . . . . .	545
allowance to certain towns for maintenance of, . . . . .	749
over Swan Pond Creek:	
to be rebuilt, . . . . .	464
amount due for finishing, . . . . .	597
allowance to Richard Milbury for care of, . . . . .	598
Cold Spring Stone Bridge, . . . . .	458
over Taunton River:	
petition to build, . . . . .	542
over Blackstone River:	
petition to be discharged from the support of, . . . . .	725
<b>BRIGANTINE SUSANNAH.</b> ( <i>See</i> Susannah, the brigantine.)	
<b>BRIGANTINE THOMAS AND SARAH.</b> ( <i>See</i> Thomas and Sarah, the brigantine.)	
<b>BRISTOL COUNTY.</b>	
treasurer's accounts of. ( <i>See</i> County Treasurers.)	
commissioners for letting out £100,000 loan. ( <i>See</i> Loan.)	
allowance to sheriff of, for impressing men and horses, . . . . .	147
justices of:	
to grant licenses, . . . . .	207, 249
to grant licenses as innkeeper notwithstanding lapse of time, . . . . .	420, 447
to hear writ of review, . . . . .	601
to hear and determine case, . . . . .	743
power to the clerk of the court of common pleas for, to issue an execution, . . . . .	432

**BRISTOL COUNTY—continued.**

sheriffs of, and Suffolk County :	
to arrest those who caused Henry Joslyn's imprisonment, . . . . .	603
Job Bartlett and others brought by, for examination, . . . . .	605
Job Bartlett and others to appear at the court of assize, . . . . .	608

**BRISTOL COUNTY—continued.**

power to the sheriff, etc., of, to pull down papers, . . . . .	660
adjournment of the courts in, . . . . .	737
<b>BUTCHER.</b>	
Thomas Debuque, Boston, . . . . .	792
<b>BUTTER IN FIRKINS.</b>	
receivable in payment of taxes, . . . . .	170

**C.**

**CABLE.**

new, for boat at lighthouse, . . . . .	191, 622
old, to be sold, . . . . .	191

**CAGNAWAGA INDIANS.** (*See* Indians.)

**CALASH.**

hire of, . . . . .	399, 419
--------------------	----------

**CANADA.**

expense of commissioners to, . . . . .	36
allowance for :	
expense of journeys to, . . . . .	180, 491
clothing, etc., for attendants to go to, . . . . .	273
expenses of messenger and attendants to, . . . . .	281
money supplied for purchasing prisoners in, . . . . .	331
money supplied for subsisting Capt. Joseph Kellogg and men at, . . . . .	347
messenger to go to, for captives, . . . . .	271
Indians accompanying Capt. Kellogg's sister from, . . . . .	340
allowance to John Sergeant who went with Capt. Joseph Kellogg to, . . . . .	391

**CANADA EXPEDITION.**

land granted to soldier in, . . . . .	609
---------------------------------------	-----

**CANDLES.**

allowance for, at powder-house, 10, 140, 302, 409, 495	
allowance for, for the General Assembly, . . . . .	119
allowance to Simon Rogers for, . . . . .	527

**CANOE.**

hire of, . . . . .	341
--------------------	-----

**CANVAS.** (*See* Duck.)

**CAPTIVES.**

allowance by the Province to the following persons for ransom to obtain their liberty from the Indians :	
James Ross taken by Indians and carried into Canada, . . . . .	14
Nathaniel Chamberlain taken by Indians and carried into Canada, . . . . .	194
John Farrow taken by Indians and carried into Canada, . . . . .	199
Sarah Felt taken by Indians, . . . . .	197
Capt. Joseph Bissell for redemption of Abraham Johnson, . . . . .	232
French and Indians :	
taken by Samuel Doty, mariner, to Boston, . . . . .	84
convicted of piracy, . . . . .	84
Indian :	
care of, in jail, . . . . .	84
committee as to the purchasing of, . . . . .	337
(woman) in late war, to be returned to the Eastern Indians, . . . . .	353
English :	
at Kennebunk, . . . . .	91
exchange of Indian children for, . . . . .	192
expense of bringing, redeemed, . . . . .	308
wages of a captive returned from Canada, allowed, . . . . .	115
messengers to go to Canada for, . . . . .	271
John Dorrell and others taken, by the St. Francois Indians, . . . . .	303

**CAPTIVES—continued.**

redeemed :	
clothing for, . . . . .	232, 303, 305, 308
subsisting, . . . . .	351
Francis Gathman taken, by the French, . . . . .	413
Benjamin Muzzy taken, by the Indians, . . . . .	447
journey to Canada to redeem, . . . . .	491
Samuel Dickenson taken, by the Indians, . . . . .	735
<b>CART.</b>	
purchase of a, for fort at St. George's River, . . . . .	596
purchase of a, for fort at Richmond, . . . . .	596
<b>CART BRIDGE.</b>	
over Swan Pond Creek, . . . . .	597, 598
<b>CASCO, FORT AT.</b>	
soldier at, wounded by Indians, . . . . .	14
<b>CASTLE WILLIAM.</b>	
chaplain of, . . . . .	12
William Dummer, commander :	
muster-roll of garrison at, 19, 81, 161, 229, 318, 380, 409, 448, 497	
gunner at :	
William Barnsdale :	
indent of stores by, . . . . .	311, 383, 479, 502
John Larrabee victualler at, . . . . .	21
additional advance to, for victualling, . . . . .	21, 155
money advanced for victualling, 25, 78, 160, 229, 301, 380, 409, 449, 493, 534, 571	
allowance to, for repairs, 55, 124, 160, 211, 234, 320, 371, 411, 447, 494	
allowance for subsisting a Frenchman and two Indians, . . . . .	78
power to, to victual, . . . . .	89
allowance to, for victualling, 160, 301, 380, 409, 442, 449, 493, 534, 571	
indent of stores needed at, . . . . .	28, 159
allowance to, for his extraordinary expense, . . . . .	301
further allowance for table expenses, . . . . .	499, 493
power to, to receive wages due deceased soldier, 555	
allowance to, for enlisting soldiers at, . . . . .	564
allowance to, for provisions supplied, . . . . .	762
medicine or medical services at, 30, 90, 160, 233, 333, 395, 424, 515	
bills of credit emitted for defraying expenses of, 34, 91, 170, 204, 321, 363, 435	
allowance for repairing arms at, . . . . .	45
officers and soldiers at :	
pay of, established, . . . . .	88, 573
to be well disciplined, . . . . .	88
encouragement of, for enlisting, . . . . .	88
£3 and a red coat to each, . . . . .	88
Indian, negro or mulatto not to be enlisted or retained in service at, except one, . . . . .	88, 573
soldier to be continued in service at, . . . . .	122
allowance to soldiers at, attending the Lieut. Governor, . . . . .	197
repairs to be made at, . . . . .	313
allowance for building a wharf at, . . . . .	371

**CASTLE WILLIAM**—*continued.*

allowance for services as to care of repairs at, . . .	372
instructions as to repairs at, . . .	780
appointment of committee as to repairs of, . . .	780
firing guns at, at time of the Governor's funeral, . . .	431
William Taiter, commander:	
muster-roll of garrison at, . . .	533, 571
negro service allowed at, . . .	792

**CASTLES.** (*See Forts.*)**CATTLE.**

feeding of, on Chebaquedock Island, . . .	75
lost by fire, . . .	107
sale of land to buy, etc., . . .	453, 566, 604, 634, 731

**CELEBRATION.**

of the anniversary of the king's birthday, . . .	9
allowance for expense of the, . . .	29
of the accession of King George the Second to the throne, . . .	313
provision for the, of the king's coronation, . . .	373
of the anniversary of the king's coronation, . . .	737

**CERTIFICATE.**

defect in the form of a, . . .	420
--------------------------------	-----

**CHAIRS.**

for truck-house at St. George's River, . . .	252
----------------------------------------------	-----

**CHANCER, CHANCERING, CHANCERY.**

of mortgage, . . .	585
--------------------	-----

**CHAPLAIN**

Rev. Ebenezer Pemberton, . . .	12
Rev. William Welstead, at the ratification of the treaty, . . .	65
pay of, at Castle William, established, . . .	88, 573
Rev. Daniel Dwight, . . .	97
of the board, . . .	118
Rev. John Webb, . . .	119
at the trading houses in the eastern frontiers, . . .	178, 195
Moses Hale, . . .	195
John Sumner, . . .	195
allowance to, . . .	195
house for, at St. George's River, . . .	261, 414
for the General Assembly:	
Rev. Samuel Checkley, . . .	288, 461, 573
Rev. William Welstead, . . .	382
Rev. Samuel Fiske, . . .	398, 444
Rev. Henry Flint, . . .	444
Rev. Nehemiah Walter, . . .	522
allowance for support of, at Fort George, . . .	515
for House of Representatives:	
Rev. Nathaniel Appleton, . . .	522
pay of, . . .	531
at Fort George, . . .	593
at truck-house, St. George's River:	
Thomas Peirpoint:	
allowance to, . . .	761

**CHARIOT OR COACH.**

horses for Governor's, . . .	362, 370
------------------------------	----------

**CHARMING JENNY, the ship.**

wines and other goods on, . . .	161
---------------------------------	-----

**CHARTER OF THE PROVINCE.**

power given in, to levy assessments, etc., . . .	34
--------------------------------------------------	----

**CHEBAQUEDOCK, ISLAND OF.**

Indian natives of, . . .	75
--------------------------	----

**CHEESE.**

receivable in payment of taxes, . . .	170
---------------------------------------	-----

**CHIEFS.** (*See Sachems.*)

provisions for, of the Penobscot Indians, . . .	73
information to, of the Indians as to the Lieut. Governor attending the ratification, . . .	84
presents for, of the Eastern Indians, . . .	289
entertainment of Indian, at St. George's River, . . .	414

**CHRISTIAN INDIANS.** (*See Indians.*)**CHRISTIANITY.**

converting Indians to, . . .	530
------------------------------	-----

Society for Propagating Christian Knowledge, . . .	669
----------------------------------------------------	-----

**CHURCHES.** (*See Meeting-houses.*)

Episcopalian:	
commissary of, . . .	637
not exempt from taxes as to the support of the Congregational churches, . . .	637

**CHURCH OF ENGLAND MINISTERS.**

not within the act as to settlement and support of ministers, . . .	512
---------------------------------------------------------------------	-----

**CLAIMS.**

petition to prove a claim against Gyles Dyer, . . .	43
committee to receive, of the English in the eastern frontiers, . . .	46, 165
by heirs of Narragansett soldiers, . . .	760, 796
to land at Pennacook by Indians, . . .	762

**CLERKS.**

Nathaniel Brett, of the north precinct of Bridgewater, . . .	39
of the House of Representatives:	
John Wainwright:	
allowance to, for services, 50, 118, 184, 288 <i>bis</i> , 328, . . .	441, 747
allowance to, for preparing votes for the press, etc., . . .	119

Maj. John Chandler:	
allowance to, for services, . . .	443

Francis Foxcroft:	
allowance to, for services, . . .	511, 533, 573, 746
allowance to John Wainwright as, to Lieut. Governor, . . .	64, 193
Joseph Marsh, . . .	156
power to, of the court of common pleas to issue an execution, . . .	432
Benjamin Allen, of Bridgewater, . . .	437, 506, 558
petition of, as to the Gore of land, . . .	506
allowance to, of military companies for services, . . .	458
Joseph Bourne, of Sandwich, . . .	488
Ebenezer Mahew, of Martha's Vineyard, . . .	530
power to, of lower town on Housatonic River to administer oaths to assessors and collectors, . . .	561, 640
John Emerson, late, of Portsmouth, . . .	662
to be appointed for:	
new town above Northfield, . . .	704
new town near Rutland, . . .	704
new town on Merrimac River, . . .	705
Thomas Frink, Rutland, . . .	715
Ames Cheever, Manchester, . . .	715
Thomas Frink, jr., Rutland, . . .	716

**CLOTH OR CLOTHING.**

present of red, etc., for Indians, . . .	58
allowance for, in the eastern frontiers, . . .	59, 70
for Capt. Seth Wyman's company, . . .	102
for Indian hostages, . . .	181, 351
for doorkeeper on account of the king's death, . . .	188
for returned captive, . . .	232
allowance for, for Capt. Joseph Kellogg and attendants to go to Canada, . . .	273
allowance for, for redeemed captives, . . .	303, 305, 308
to be supplied soldiers at same rate as to the Indians, . . .	392
allowance for short measure of, . . .	601
stealing of Holland, . . .	733

**COACH.**

hire of, and other expenses in presenting the address to the king, . . .	224
in mourning, . . .	451

**COACHMAN.**

mourning for, . . . . . 431

**COAL,**

allowance for, at powder-house, 10, 140, 302, 409, 495

**COAT.**

for an Indian, . . . . . 251 note

**COFFIN.**

for an Indian, . . . . . 79

**COLLECTORS.**

power to, to collect assessments in North Yarmouth, . . . . . 421, 509, 664

power to, as to the rates and assessments in Brimfield, . . . . . 511

John French, Attleborough, . . . . . 523 *his*, 567

power to, of Lower Town on Housatonic River to execute the office of constable, . . . . . 561

Joseph Spaulding, North Town of Turkey Hills, 562 power to, to collect assessments, . . . . . 562

of excise in York County:

Col. Johnson Harman, . . . . . 615

power to:

in Newbury, to collect the ministerial tax from certain families, . . . . . 627

of Lower Town of Housatonic to assess all grantees, . . . . . 640

to sell land at auction if assessments are not paid, 671 selectmen of Boston to choose, of taxes, . . . . . 736

to desist in collecting the rates in Dedham, . . . . . 761

power to, of New Medfield, . . . . . 770

**COMMANDER.** (*See* Master or Commander.)

**COMMISSARY, GENERAL OR SPECIAL.**

to credit Capt. Peter Oliver with two Province arms, . . . . . 51

of the Episcopal churches in New England:

memorial of, as to taxation of Episcopalians for support of Congregational churches, . . . . . 637

**COMMISSION OFFICERS.**

at Castle William, pay of, established, . . . . . 88, 573

gloves for, . . . . . 431

**COMMISSIONERS.**

allowance for expense of, to Canada, . . . . . 36

of the counties:

for the £100,000 loan:

Middlesex accounts accepted, . . . . . 41, 277

Bristol accounts accepted, . . . . . 45

Plymouth accounts accepted, . . . . . 45, 278

resolve as to the accounts of the, for Barnstable County, . . . . . 46

Suffolk accounts accepted, . . . . . 273

Essex accounts accepted, . . . . . 276

Hampshire accounts accepted, . . . . . 277

Barnstable accounts accepted, . . . . . 278

allowance to committee for examining the accounts of, . . . . . 279

to settle their accounts, . . . . . 366

to render their accounts, . . . . . 490

for receiving the claims:

power to, to receive Benjamin Parson's claim, . . . . . 43

of Massachusetts to meet commissioners from New Hampshire as to the boundary, . . . . . 52, 396

appointment of, as to boundary between Massachusetts and New Hampshire, . . . . . 517

appointment of, to meet commissioners from Rhode Island, . . . . . 532

majority to constitute a quorum, . . . . . 568

time limited as to settling boundary between Massachusetts and Rhode Island, . . . . . 655

to be appointed to confer with commissioners from New York, as to boundary, . . . . . 108

**COMMISSIONERS** — *continued.*

appointment of, to meet commissioners from New York as to boundary, . . . . . 502, 688

majority to constitute a quorum, . . . . . 568

of impost:

to abate the powder-money, . . . . . 122

Daniel Russell:

question as to duty of impost on wine, . . . . . 161, 439

remission of duty on deceased negroes, . . . . . 188, 208

remission of duty on negro boy, . . . . . 227

memorial of, as to a new cable for light-

house boat, . . . . . 191, 622

to furnish sails for lighthouse boat, . . . . . 445

memorial as to duty on tonnage of vessels, . . . . . 628

to furnish a new boat for lighthouse, . . . . . 763

memorial in behalf of the, for propagating religion

among the Indians, . . . . . 730

**COMMITTEE.**

of Wrentham:

report of, on petition of the inhabitants of west part, . . . . . 8

of Housatonic:

report of, . . . . . 12

to render a full account at the next May session, 276

as to forming a town, to be served with a copy of the petition of Matthew Noble and others, . . . . . 462

to present accounts and proceedings as to the settling of the Lower Town, . . . . . 561

appointment of, . . . . . 728

power to, . . . . . 728

as to Duxbury and Marshfield:

appointment of, . . . . . 33

as to repairs at the lighthouse wharf, . . . . . 38

as to repairs at the lighthouse and wharf, . . . . . 111

as to care of land granted for the ministry at Shewamet, . . . . . 44

to receive the claims of the English to land in the eastern frontiers, . . . . . 46, 165

appointment of, as to land claims in the eastern

frontiers, . . . . . 174

in place of the Secretary, . . . . . 46

to attend the ratification of the treaty, . . . . . 46

as to a settlement at Pennacook:

report of, . . . . . 48, 643, 768

appointment of, . . . . . 53

power to, . . . . . 559

allowance for expenses of, 50, 119, 184, 273, 280, 339, 391, 462, 517, 527

to repair dwelling house on Beacon Island, . . . . . 54

allowance to, on the complaints of the Nantucket Indians, . . . . . 56

expense of, as to the Indians of Nantucket, . . . . . 104

report of, on the Lieut. Governor's speech, . . . . . 62

report of, as to torn and defaced bills of credit, 72, 238, 542, 762

to prepare a bill to prevent oppression by any alteration in the value of bills of credit, . . . . . 182

to take account of bills of credit and burn, 198, 527, 738

appointment of, to sign bills of credit, . . . . . 289

bills of credit to be imprinted by, 289, 318, 624, 737, 755

appointment of, as to method for retrieving the value of bills of credit, . . . . . 290

appointment of, as to retrieving bills of credit, . . . . . 463

power to, to get a new plate of a scroll for bills of credit, . . . . . 335

appointed, as to bills of credit of a new form, . . . . . 566

appointed, on petition of divers inhabitants of Scituate and Abington for a township, . . . . . 73

COMMITTEE — *continued*.

report of, as to meeting-house in Scituate, . . .	589, 777
appointed, as to meeting-house in Scituate, . . .	613, 751
for north precinct of Scituate as to the meeting-house, . . .	661
to view and consider the laying out of certain land, . . .	83
of Duxboro and Marshfield: . . .	
report of, as to petition of inhabitants, . . .	85
to lay out highway over Bound Brook River, . . .	87
in Methuen: . . .	
report of, as to meeting-house, . . .	100, 208
as to location of the meeting-house, . . .	195
power to, to prosecute trespassers, . . .	385
allowance to, to prosecute trespassers, . . .	394
appointment of, as to Province land, . . .	676
in Dedham: . . .	
petition for a, to be appointed as to location of a meeting-house, . . .	102
report of, as to a minister, . . .	231
report of, as to annexation of estates, . . .	706
as to boundary of south precinct, . . .	718
appointment of, as to meeting house, . . .	765
as to Province land: . . .	
petitioned for, by John Kilburn and others, . . .	105
allowance to, . . .	162
report of, near Dorchester and Bridgewater, . . .	140
power to, adjacent to Naticook or Brenton's Farm, . . .	416
as to boundary: . . .	
between Massachusetts and New York: . . .	
report of, . . .	198
between Massachusetts and New Hampshire, 396, 517	
to meet committee from New Hampshire, 584, 610	
addition to, . . .	617
to prepare a draft of a letter to the agent of the Province, . . .	620
between Massachusetts and Rhode Island: . . .	
appointed, . . .	613, 640, 673, 687, 705, 713
to prepare a draft of instructions to the agent, 620	
between Massachusetts and Connecticut, 684, 730, 735	
power to, to apply to Connecticut as to confirmation of land formerly granted to Rev. John Collins, . . .	110, 282, 306
allowance to, for applying to Connecticut as to confirmation of land formerly granted to Rev. John Collins, . . .	153
allowance to Capt. Joseph Brown for services as, . . .	115
to survey and lay out land near Taunton, . . .	116
as to division of Taunton into three precincts, 284, 300	
allowance to, for viewing Taunton, . . .	317
on petition of inhabitants of west part of Taunton, 502	
expense of, in viewing Taunton, . . .	550
to demand possession of land near Taunton, . . .	564
account of, at Duxbury, allowed, . . .	117
account of, at Marshfield, allowed, . . .	127
on Brimfield: . . .	
as to survey of Tantensques or the Black Lead Mines, . . .	127, 265
as to the re-survey of Tantensques or the Black Lead Mines, . . .	153
report of, . . .	307, 379, 592
allowance to, . . .	316
allowance to, for laying out land at Tantensques, 379	
petition of Deliverance Brooks and others as to the conduct of the late and present, . . .	417
power to, to assess and collect taxes, . . .	511
to suspend action till the order of the court and have books and papers as to the settlement ready for perusal, . . .	548
reconveyance of land by, . . .	139

COMMITTEE — *continued*.

petition of, as to boundary of Bellingham, . . .	143, 788
appointment of, to survey Province land near Manchang Pond, . . .	153
allowance to, for surveying land near Manchang Pond, . . .	228
appointment of, to sell Province land near Manchang Pond, . . .	322
account of sale by, as to Province land near Manchang Pond, . . .	383
as to new township, comprising part of Salem, Topsfield, Boxford and Andover, . . .	158
for sorting papers in the Town House, . . .	168
allowance to, . . .	343
petition for a, to run boundary between Taunton and Titticut, . . .	198
appointed to view the Indian land at Hassanimesco, 199	
report of, as to value of Hassanimesco land, . . .	233
to project a method to oblige the purchasers at Hassanimesco to comply with the terms, . . .	233
report of, . . .	240
allowance to, at Hassanimesco for services, . . .	243
account by the, as to the Indians at Hassanimesco, 422	
to run boundary of Northfield, . . .	177
to procure chaplains for the trading-houses, . . .	178
as to locating a trading house at the Blockhouse above Northfield, . . .	266
to provide for Gov. William Burnett's reception, . . .	186, 279
appointment of, to wait upon Gov. William Burnett, . . .	337
to provide for the Governor's table, . . .	352
as to the Governor's funeral, . . .	431
account of the funeral expenses of Gov. William Burnett presented by the, . . .	441
for the reception of Governor Belcher, . . .	472
allowance for expense of, at John Sale's house, . . .	184
petition for a, to view Woburn, . . .	193
as to part of Woburn, called Goshen, being made a precinct, . . .	326
petition of, as to inhabitants of northeast part of Woburn and west part of Reading to be a separate precinct, . . .	451
appointment of, as to northwest part of Woburn, 451	
report of, as to new precinct in Woburn, . . .	488
appointed, as to location of the meeting-house in Woburn, . . .	588
report of, . . .	631
petition of, . . .	653
petition of, for a new precinct in Woburn, as to a judgment, . . .	726
as to a medium of trade: . . .	
appointment of, . . .	212, 290
for Turkey Hills, . . .	246
report of, . . .	267
as to meeting-house in the South Town, . . .	281
report of, . . .	348
report of committee appointed to examine the accounts, etc., of the, . . .	329
exceeded their power, . . .	329
to repay Jonathan Whitney for lot forfeited, . . .	334
expense of witnesses attending the, . . .	342
appointed to settle North Town, . . .	353
North Town, as to delinquent grantees, . . .	374
as to boundary of North Town of, 556, 582, 626, 653	
power to, to levy and assess the North Town, . . .	562
to run line between Leicester and Brookfield: . . .	
appointment of, . . .	256
Brookfield and Leicester to pay equal parts, . . .	455
report of, . . .	485



COMMITTEE — *continued.*

to repair the Province House, . . . . .	258
money advanced to, for repairing the Province House, . . . . .	471
to survey duck or canvas :	
appointment of, . . . . .	260
pay for services, . . . . .	260
as to the sale of Oyster Island, . . . . .	260
further time allowed for, . . . . .	312
report of, as to a draft of a letter to Agent Dummer as to boundary between Massachusetts and New Hampshire, . . . . .	268
for examining the accounts of the commissioners of the £100,000 loan :	
allowance to the, . . . . .	279
power to, of Watertown and Weston to lay out land, . . . . .	305
petition of, of west precinct of Watertown to be a separate township, . . . . .	553
as to Wamesit (Purchase) or Winthrop's Farm, . . . . .	309
as to land between Oxford, Brimfield, Brookfield and the Province line, . . . . .	324
power to, to survey and lay out land for two townships for the Narragansett soldiers, . . . . .	325
plan of land by, for Narragansett soldiers, . . . . .	378 <i>bis</i>
allowance to, for laying out two towns for the Narragansett soldiers, . . . . .	379
appointment of a, to take a list of the Narragansett soldiers, . . . . .	395
Narragansett soldiers to choose a, for ordering their affairs, . . . . .	400
petition of, in behalf of the Narragansett soldiers, as to enlarging their grant, . . . . .	654
appointment of, to lay out more land for the Narragansett soldiers, . . . . .	673
plats of two townships for the Narragansett soldiers presented by, . . . . .	769
for regulating Narragansett towns, . . . . .	770, 771, 772
report of, as to settling towns granted Narragansett soldiers, . . . . .	796
to negotiate as to the purchasing of Indian captives, . . . . .	337
as to petition of the inhabitants of Billerica, etc., to be a new town, . . . . .	345, 384
report of, as to sale of land belonging to Indians, . . . . .	365, 479
appointment of, as to Dedham and Stoughton, . . . . .	368
report of, as to location of the meeting-house in new precinct set off from Dedham and Stoughton, . . . . .	596
as to meeting-house in south precinct of Dedham, . . . . .	765
report of, . . . . .	797
appointment of, in place of another, . . . . .	373, 398
expenses of, of House of Representatives at John Pratt's house, . . . . .	385, 420
report of, as to releasing Edmund Ingalls and others from jail, . . . . .	395
as to presents for Indian sachems, . . . . .	415
to purchase presents for the Indians, . . . . .	600
appointment of, as to the west precinct of Newbury, . . . . .	424
to be appointed to divide an estate, . . . . .	425
as to the affairs of the plantation between Oxford, Brookfield, Brimfield and the Province line, . . . . .	427
report of, as to the Treasurer's account of goods for Indian trade, . . . . .	429, 480
allowance to, to keep bridge over the Charles River in repair, . . . . .	441

COMMITTEE — *continued.*

to demolish bridge over Pawtucket River, . . . . .	474
report of, . . . . .	490
allowance to, for services, . . . . .	490
allowance for expense of, at Sarah Stedman's, . . . . .	445
as to finishing the blockhouse on Saco River, . . . . .	464
as to the petition of inhabitants of Kittery, . . . . .	471
report of, . . . . .	484
services of, to be paid by the petitioners of Kittery, . . . . .	484
as to the meeting-house at Bridgewater :	
petition of, . . . . .	474
appointment of, . . . . .	489
report of, . . . . .	528
report of, as to the Treasurer's accounts, . . . . .	479
as to petition of divers inhabitants of Rowley and Newbury to be a separate precinct, . . . . .	486
on petition of northwest inhabitants of Rowley :	
appointment of, . . . . .	581
report of, . . . . .	618
as to Falmouth :	
report of, . . . . .	505
affirmation of the validity of a deed by the, . . . . .	505
as to the Gore of land in Bridgewater :	
appointment of, . . . . .	506
report of, . . . . .	552, 557
as to the Gore of land at Attleborough :	
appointment of, . . . . .	673, 705
allowance to, for settling boundary, . . . . .	722
appointment of, to prepare instructions to the agent, . . . . .	733
report of, . . . . .	773
as to the settlement of North Yarmouth, . . . . .	509, 635 <i>bis</i>
report of, . . . . .	641, 797
addition to, . . . . .	659, 667
petition of, as to lands set off from Charlestown to Malden, . . . . .	520
petition of, as to meeting-house at Mendon, . . . . .	525
to prepare an address to King George the Second, . . . . .	326
as to petition of Jonas Houghton and others for a township :	
appointment of, . . . . .	529
report of, . . . . .	593
as to petition of John Beaman and others :	
appointment of, . . . . .	569
report of, . . . . .	593
appointment of, to give instructions to the agent as to the Barbados affair, . . . . .	535
as to boundary of Reading and Wilmington, . . . . .	560
appointed for a draft of a bill as to the boundary between Massachusetts and New Hampshire, . . . . .	584
to prepare a draft of instructions, . . . . .	584
as to the inhabitants that live on the border between Massachusetts and Rhode Island, . . . . .	584
report of, . . . . .	591
addition to, to write to the government of Rhode Island, . . . . .	612
petition of, of the artillery company to sell land, . . . . .	588
petition for, as to the division of the common land in Berwick, . . . . .	589
to survey land at the Head of Berwick, . . . . .	702, 703
for settling land at the Head of Berwick, . . . . .	758
to examine Job Bartlett and others, . . . . .	605
appointed to view the mill dam on Ipswich River, . . . . .	609, 639
report of, as to Hathorn Farm referred to next May session, . . . . .	628
as to taxation of Episcopalians for support of the Congregational churches, . . . . .	637

**COMMITTEE—continued.**

appointed as to land for a town in Plympton, . . .	662
appointment of, as to land petitioned for by Joseph Wright and others, at a place called the Elbows, . . . . .	680
report of, . . . . .	728
account of, as to sale of land belonging to Charles and Alice Watnam, . . . . .	685
report of, on the affair of the Cagnawaga Indians, . . .	686
appointment of, to view land in Stoughton, . . .	691
appointment of, on petition of the fishing towns, . . .	693, 713
draft of a letter to Agent Wilks reported by committee as to the fishing towns, . . . . .	758
report of, as to the new precinct in Cambridge, . . .	694
appointment of : . . . . .	
as to surveying the new towns in the western frontiers, . . . . .	703, 744
as to settling the new towns in the western frontiers, . . . . .	758, 787
committee as to laying out lots in the new towns, . .	792
report of, as to the new precinct in Roxbury, . . .	734
appointment of, as to the boundary of the west precinct in Roxbury, . . . . .	774
petition of Zachariah Field committed to the, appointed to lay out three towns in Hampshire County, . . . . .	704
report of, as to boundary of Hatfield, . . . . .	756
as to claims of Indians to land, . . . . .	762
appointment of, as to Marshfield and Scituate, . . .	763
assessments made by, in Yarmouth, valid, . . . . .	767
survey of land, for services as, . . . . .	767
proceeds of sale of Province land by, to be paid into the Province treasury, . . . . .	768
as to taxes for support of the ministry in Nottingham, . . . . .	776
as to repairs at Castle William : . . . .	
instructions to, . . . . .	780
appointment of, . . . . .	780
to view land on the frontiers, . . . . .	787
as to will of Alden Bass, . . . . .	795

**COMPLAINTS. (See Actions.)**

neglect to file, through mistake or ignorance of the law, . . . 33, 210, 282, 363, 496, 546, 605, 633, 727	
of the agents in the east precinct of Bridgewater, . . . . .	39
of the Nantucket Indians : . . . .	
allowance to the committee on the, . . . . .	56
power to file, . . . . .	210, 282, 551, 585, 727, 731
of some inhabitants of Northfield as to unlawful trade with the Indians, . . . . .	400
of Capt. Thomas Smith against John Stackpole in regard to Indian trade, . . . . .	412
quashing for neglect to file, etc., . . . . .	508

**CONGREGATIONAL CHURCHES.**

Episcopalians not exempt from taxes as to the support of, . . . . .	637
---------------------------------------------------------------------	-----

**CONNECTICUT.**

power to committee to apply to, as to confirmation of land formerly granted Rev. John Collins, . . . . .	110
boundary between Massachusetts and, . . . 110, 282, 306, 684, 790, 795	
land formerly laid out in, now belonging to Massachusetts, granted and confirmed accordingly, . . . . .	319
power to Capt. John King to obtain confirmation of land from, . . . . .	327

**CONNECTICUT SOLDIERS.**

allowance for subsisting, . . . . .	10, 345
-------------------------------------	---------

**CONSTABLES.**

Samuel Brown of Billingsgate, in town of Eastham, . .	71
men imprisoned by, for non-payment of rates, . . .	275
of Framingham : . . . .	
John Gibbs, . . . . .	307
Daniel Pratt, . . . . .	307
power to, to call a town-meeting, . . . . .	307
of Rehoboth : . . . .	
Jonathan Bosworth, . . . . .	395
Richard Waite : . . . .	
to give notice of town-meeting at meeting-house, Medford, . . . . .	401
power to, of Chelmsford, etc., to collect taxes for Westford and Bedford, . . . . .	446
allowance to, of military companies for services, . .	458
power to, in North Yarmouth, . . . . .	509
Moses Ingersol, for the lower town of Housatonic River, . . . . .	521
of Attleborough : . . . .	
Henry Joslyn, . . . . .	523 bis, 608
committed to jail, . . . . .	603
to prosecute his complaint, . . . . .	613
allowance to, for losses, etc., caused by his imprisonment, . . . . .	640
John Sweetland : . . . .	
allowance to, for expenses, . . . . .	542
committed to jail while collecting the rates, . .	674
expenses of, as to collecting taxes, . . . . .	757
John Robbins, late : . . . .	
arrested for collecting taxes, . . . . .	651, 674
expenses of, as to collecting taxes, . . . . .	757
Benjamin Slack, a present, . . . . .	651
Benjamin Crabtree, assistant, . . . . .	651
Timothy Fingley, assistant, . . . . .	651
power to, and other towns as to taxes, . . . . .	755
arrest of, for serving process in Gore of Attleborough, . . . . .	755
of Smithfield : . . . .	
Jonathan Jones, . . . . .	674
power to, to collect taxes in Nottingham, . . . .	776
allowance for expenses, etc., of, during imprisonment, . . . . .	786

**CONSTITUTIONAL LAW**

the General Assembly as a judicial tribunal. ( <i>See Construction, Equity, Wills.</i> ) . . . . .	
validity of a certain rule of court, . . . . .	33

**CONSTRUCTION.**

of statute or resolve : . . . . .	
act for encouraging the raising of hemp, . . . .	37
act in the fourth year of William and Mary, concerning the House of Representatives, . . . . .	156
impost act as to duty on wines, . . . . .	161, 439
act as to writs, etc., issued in the late king's name, .	202
act as to members of the board of overseers of Harvard College, . . . . .	262
act for dividing the town of Haverhill, . . . .	398
explanation of an order as to purchasers of Massanumisco, . . . . .	503
act as to settlement and support of ministers beyond this Province, . . . . .	512
explanation of an order as to taxation of land annexed to Malden, . . . . .	520
impost act as to duty on tonnage of vessels from Nova Scotia, . . . . .	628
of report, . . . . .	797
of instructions as to the Governor, . . . . .	171 note

**CONTEMPT.**

as to place of meeting-house in Methuen, . . . . .	141
selectmen of Methuen discharged from, of this court, . . . . .	150

**CONTEMPT** — *continued*.

- on order referring to meeting-house in Mendon, . . . 528
- as to the order of the Legislature as to meeting-house in Scituate, . . . 616
- by Rhode Island officers within Attleborough, . . . 782
- as to boundary of Braintree and Abington, . . . 781

**CONTINUANCE OF HEARING.** (*See Unfinished Business*)

**COOPER.**

- Barret Dyer, . . . . . 250
- Sampson Salter, Boston, . . . . . 375
- John Green, Boston, . . . . . 493

**CORN.** (*See Indian Corn.*)

**CORONATION.**

- of King George the Second:
  - celebrating the, . . . . . 373
  - allowance for entertainment on the day of the, . . . . . 376
  - allowance for entertainment of members of the General Assembly on the anniversary of the king's, . . . . . 520
  - celebrating the anniversary of the, . . . . . 737

**CORONER.**

- Peletiah Glover, . . . . . 336

**CORPORAL.**

- pay of, at Castle William, established, . . . 88, 573
- Joseph Allen, at Castle William, . . . . 122
- John March:
  - wages of, omitted on muster-roll, . . . . 196

**CORPSE.**

- gloves and rings for women who laid out the, . . 431

**COUNCIL.**

- expense of members who attended the Lieut. Governor, . . . . . 63, 191
- stationer's wares for, . . . . . 98, 267, 387, 460
- entertainment of Lieut. Governor and the, . . 172
- wine for the, . . . . . 200
- gloves and rings for, . . . . . 431

**COUNCIL OF CHURCHES.**

- at Lynn, to settle differences, . . . . . 275

**COUNSEL.**

- for the defence of Henry Joslyn, . . . . . 757

**COUNTERFEITING.**

- John Bishop charged with, bills of credit, . . . 12

**COUNTIES.**

- certain towns in Suffolk and Middlesex, to be a new county, . . . . . 324, 532
- certain towns in Suffolk and Plymouth, to be a new county, . . . . . 512

**COUNTY TAX.** (*See Taxes.*)

**COUNTY TREASURERS.**

- Barnstable accounts allowed, 7, 135, 337, 422, 486, 588, 667, 713
- Essex accounts allowed, 7, 159, 358, 423, 500, 641, 686
- Hampshire accounts allowed, . . . . . 7, 136, 299, 717
- York accounts allowed, . . . . . 8, 189, 589, 669, 742
- Middlesex accounts allowed, 8, 138, 300, 418, 476, 591, 670, 717

**COUNTY TREASURERS** — *continued*.

- Bristol accounts allowed, 9, 135, 316, 418, 476, 587, 675, 725
- Dukes accounts allowed, . . . . . 60, 476, 732
- Plymouth accounts allowed, . . . . . 135, 299, 478, 621, 700
- Suffolk accounts allowed, . . . . . 138, 315, 413, 641
- Worcester accounts allowed, . . . . . 651, 713

**COURT HOUSE.**

- place for celebrating the birthday of the king, . . 9
- committee for sorting papers in, . . . . . 168
- allowance to, . . . . . 393
- place for celebrating the anniversary of the accession of King George the Second to the throne, . . . . . 313, 586

**COURT RECORDS.** (*See Documents.*)

- transportation of, . . . . . 399

**COURTS.**

- of assize. (*See Assize Court.*)
- of York County:
  - stay of proceedings against Stephen Minot and others until further order of the General Court, . . . . . 107
  - adjourned, . . . . . 167
- of Plymouth County:
  - adjourned, . . . . . 147
- of Essex County:
  - adjourned, . . . . . 157, 236
- Middlesex County:
  - adjourned, . . . . . 346
- probate. (*See Probate.*)
- of Bristol County:
  - adjourned, . . . . . 737
- of general sessions:
  - petition to apply to, for an appeal from a sentence, . . . . . 742
  - power to hear application of Timothy Sprague as to a highway, . . . . . 742
- of General Sessions:
  - power to justices of, to hear and try case, . . 745, 790
  - irregular proceedings of, as to a highway, . . 794

**CRADLE.**

- for an Indian, . . . . . 79

**CRANBERRIES.**

- soldier burnt by fire while gathering, . . . . 556

**CREDITORS.** (*See Administration of Estates, Debts, Executor or Administrator, Power.*)

**CRIMES.** (*See Counterfeiting, Forgery.*)

- murder, . . . . . 32, 42, 63, 792
- piracy, . . . . . 84
- horse stealing, . . . . . 311
- stealing, . . . . . 733, 741

**CROSS ACTIONS.**

- against Joseph Brown, . . . . . 541

**CROSS JUDGMENTS.** (*See Judgment.*)

**CURTAIN.**

- made for the House of Representatives, . . . . 119

**CUSTOM HOUSE.**

- gloves for officers of, . . . . . 431

**D.**

**DAM.**

- petition to exclude persons from the benefit of a fish, . . . . . 564
- Dutch's Sawmill, . . . . . 639
- Farley's Mill, . . . . . 639
- the River Mill, . . . . . 639

**DAMAGES.**

- allowance for:
  - to sloop Susannah, . . . . . 61
  - to horse impressed, . . . . . 69
  - to bell taken in vessel, . . . . . 123
  - to lighthouse boat, . . . . . 302
  - by laying out highway, . . . . . 735

**DEBTOR AND CREDITOR.** (*See Debts.*)  
**DEBTS.**

allowance to widow to pay, of husband, . . .	17
allowance to children and heirs of Rev. John Leverett who died in debt, . . .	86
allowance to legal representatives of Capt. Seth Wyman to pay, . . .	102
sale of land to pay, 74, 96, 97, 112, 161, 177, 250, 260, 270, 272, 367, 377, 415, 446, 452, 453, 487, 496, 501, 503, 510, 519, 524, 550, 558, 565, 566, 586, 634 <i>bis</i> , 658, 678, 683, 716, 731, 765	
against estate of Col. Gyles Dyer, . . .	142
imprisonment for, . . .	456
power to sell personal estate to satisfy a debt, . . .	472
action against Charles Hobby for, . . .	481, 498
power to execute a debt for exchange of land, . . .	585
power to prosecute action as to, . . .	608
goods attached for, . . .	621
on meeting-house in New Medfield, . . .	770

**DEED.**

to be recorded in registry of deeds, . . .	97
of partition to be recorded in registry of deeds, . . .	207
of Hassanimisco land, . . .	233
wrongful recording of, . . .	236
destruction of, . . .	236
of Oyster Island to be approved by the trustees, . . .	260
of gift to Deborah Robbin, . . .	320
power to execute, 322, 348, 349, 428, 429, 487, 588, 678, 794	
petition for confirmation of, . . .	355
confirmation of title to land to Rev. Oliver Peabody according to, . . .	364
order revoked as to sale of land to pay, . . .	372
of land conveyed by an Indian, . . .	437
lost or destroyed during the war: counter part of, valid, . . .	505
to be recovered in Secretary's office in Boston and in York County, . . .	505
petition of William Downes to enable him to execute a, . . .	524
recorded in registry for county of Middlesex, . . .	609
of land in trust for the Province, . . .	705
petition as to, of land, . . .	791

**DEER SKINS.**

to be disposed of at the best advantage, . . .	392
------------------------------------------------	-----

**DEFACING PUBLIC PAPERS.**

order to the sheriff of Bristol County in regard to pulling down and, . . .	600
--------------------------------------------------------------------------------	-----

**DEFAMATION.** . . . 679, 790**DEMURRER.**

excuse for failing to enter, . . .	252
------------------------------------	-----

**DESERTERS.**

two Indian soldiers, . . .	79
allowance for apprehending, . . .	79
apprehending and assisting, . . .	194
reward for two, . . .	381

**DEVICE.** (*See Wills.*)**DINNER.**

for Lieut. Governor and Council: allowance to Luke Vardy for, . . .	32
allowance to Rebecca Holmes for, . . .	339, 359
on the day the king was proclaimed: allowance to Rebecca Holmes for, . . .	202

**DINNER—continued.**

on the day the king was proclaimed — <i>continued.</i> for House of Representatives, allowance to Luke Vardy for, . . .	203
allowance to Frances Wardell for, on day of the Governor's arrival, . . .	361

**DISEASES.** (*See Infectious Diseases, Small-pox.*)**DISTILLER.**

Joseph Brown, . . .	541, 607
---------------------	----------

**DOCUMENTS.**

sorting, in town house, . . .	168
allowance to committee for, . . .	393
expense for removing, belonging to the General Assembly, . . .	448

**DOORKEEPER.**

Richard Hubbard: allowance to: for services, 33, 119, 184, 288, 329, 382, 399, 444, 478, 511, 530, 573, 747	
for curtain made, etc., . . .	119
for mourning, . . .	188
for extraordinary expenses, . . .	399
for horse hire, etc., . . .	419
for travelling expenses, etc., . . .	448
mourning for, . . .	431
exempt from arrest, etc., . . .	156
to House of Representatives: James Clark: allowance to, for services, . . .	511
Jonathan Youngman: allowance to, for services, . . .	523

**DRAFTS.**

allowance for a duplicate of the, of the fortifica- tions, . . .	545
---------------------------------------------------------------------	-----

**DRAGON,** the sloop (a transport).

allowance to Andrew Anderson, wounded on, 57, 157 further allowance to Andrew Anderson, . . .	225
Capt. Richard Langdon, commander, . . .	61
wages due company on, according to muster-roll, 61 allowance to owner of, for sloop hire, . . .	61
attending the Lieut. Governor at the ratification of the treaty, . . .	157

**DRUMMERS.**

allowance for services of, . . .	32
pay of, at Castle William established, . . .	88, 573
Samuel Jones, allowance for services, . . .	209
pay of, . . .	531

**DRUNKENNESS.**

of Indian sachem, . . .	75
appeal from a sentence for, . . .	763

**DRY FISH.**

receivable in payment of taxes, . . .	170
---------------------------------------	-----

**DUCK OR CANVAS.**

bounty to the manufacturer of, . . .	52, 116, 241, 724
surveyors of, . . .	260

**DUKES COUNTY.**

treasurer's accounts of, ( <i>See County Treasurers.</i> )	
------------------------------------------------------------	--

**DUTCH COUNTRY.**

expense of post from, to Westfield, . . .	17
-------------------------------------------	----

**DUTIES** (*see Excise, Import, Negroes, Powder,*

Tonnage, Wine, 34, 91, 122, 170, 188, 208, 227, 264, 321, 363, 435, 439, 628	
---------------------------------------------------------------------------------	--

E.

<b>EAGLE, the ship.</b>	
Nathaniel Mason, master:	
account of the sales of cargo to be contested,	201
<b>EARTHQUAKE.</b>	
sermon preached on account of the late,	263
<b>EASTERN FRONTIERS.</b> ( <i>See</i> Blockhouse	
at St. George's River, Captives, Fort	
George, Fort Mary, Fort at Richmond,	
Indians, Pigwacket, Trade, Treaty, Truck-	
houses, Truck-masters, War.)	
sloops in service in the:	
George,	10
Merry Meeting,	31, 87
Dragon,	57, 61
Endeavor,	86, 179, 257, 336
Greyhound,	222 <i>bis</i>
horse impressed in York County,	14
cleaning and mending arms used by soldiers in	
the,	14
Arundel and Biddeford impoverished by war,	16
services of companies in the, under the following	
commanders:	
Capt. Jeremiah Moulton,	20
Lieut. Allison Brown,	20
Capt. Peter Oliver,	38
Lieut. Moses Markham,	38
Sergt. James Parker,	60, 71
Capt. John Penhallow,	61, 174
Capt. Joseph Heath,	62
Capt. John Gray,	81, 123
Capt. Joshua Moody,	82
Col. Thomas Westbrook,	83, 94
Capt. Samuel Jordan,	95
Capt. Samuel Wheelwright,	98
Capt. Ephraim Morton,	106
Capt. Richard Bourne,	191
services of volunteers under:	
Col. Johnson Harman,	190
interpreter in the,	28, 39, 72, 105, 190, 197, 202, 386
wages due,	30
allowance to surgeons for services in the,	42, 83, 86
medicine or medical services for soldiers in the,	37,
214, 232, 249	
more members added to the committee to receive	
claims of the English in the,	46
committee appointed to receive claims of the Eng-	
lish in the,	165
committee appointed in place of another,	174
allowance to soldiers wounded in the,	53, 99, 154,
163, 322	
allowance for expenses of sick soldiers,	58, 71
allowance for nursing sick soldiers in the,	94
soldier killed by Indians in the,	197
soldier injured in the,	214
land claims of Indians in,	62
innkeepers in the:	
James Parker, North Yarmouth,	67
Thomas Perkins, Arundel,	94
Jeremiah Moulton, Berwick,	350
John Watson, Arundel,	356
Benjamin Ingalls, Falmouth,	456
John Phinney, Falmouth,	607
land granted in the, for services against the	
Indians,	70, 163, 172, 239, 250, 342, 349
account of provisions, etc., in the,	70, 224
sloop Tryal taken by pirates in the,	84

<b>EASTERN FRONTIERS — continued.</b>	
guard at Scarborough,	91
supplies for the Indians in the,	178
land granted to soldier wounded in the,	223
pilot in the,	229
allowance for journey to Brunswick,	249
clothing for returned captive at Arundel,	303
men enlisted to explore the woods in the,	271
ox killed belonging to John Storer of Wells,	316
petition of Falmouth proprietors,	360, 438, 450, 480
power to reconvey land in,	375
confirmation of land on the Saco River to Col.	
Johnson Harman and others,	389
taxes for support of the ministry at North Yar-	
mouth,	421
petition as to Kittery,	454, 471, 484
confirmation of land near Berwick to John Lar-	
abee,	473
confirmation of land in, to Arthur Bragdon,	502
committee to lay out a new town on the,	703
committee as to settling new town on the,	758
committee to view land on the,	787
<b>EASTERN INDIANS.</b> ( <i>See</i> Indians.)	
<b>EDUCATION.</b>	
proceeds of sale of land for, of children,	96
of children in Cohasset,	212
<b>EJECTMENT.</b> ( <i>See</i> Trespass.)	
writ of,	33, 47, 247, 255, 320, 698, 739
<b>ELBOWS.</b>	
power to assessors of the, as to taxes,	793
appointment of committee as to land petitioned	
for by Joseph Wright and others at a	
place called the,	680
report of,	728
<b>ELECTION SERMONS</b>	
Rev. Peter Thatcher's,	58
Rev. Mr. Baxter's,	163
allowance for, supplied the House of Represent-	
atives,	173
Rev. Mr. Breck's,	332
Rev. — Wise's,	421
<b>ELISABETH AND MARY, the sloop.</b>	
loaded with lumber,	122
<b>ENCOURAGEMENT.</b>	
for volunteers,	54
of officers and soldiers enlisting at Castle Wil-	
liam,	88
£3 and a red coat to each,	88
for men enlisted to explore the country between	
the Connecticut River and the lake,	271
for men enlisted to explore the woods in the east-	
ern frontiers,	271
confirmation of land granted by Indians of Mash-	
pee as an, for preaching,	438
<b>ENDEAVOR, the sloop.</b>	
Capt. Joseph Majory, commander,	86
wages of surgeon on, allowed,	86
Capt. Thomas Saunders, master:	
hire of, and wages due master and company	
according to muster-roll,	179, 257, 356, 386,
432, 494, 513	
indent of stores for,	598
<b>ENGLAND.</b>	
ministers of the Church of,	512
<b>ENGLISH CAPTIVES.</b> ( <i>See</i> Captives.)	
<b>ENGROSSMENT.</b> ( <i>See</i> Writing.)	

**ENLISTMENT.**

- of men to go in pursuit of the Indians, . . . . . 21
- of volunteers to attend the Lieut. Governor, . . . . . 54
- of men to explore the territory near the Connecticut River, . . . . . 271
- rate allowed per day, . . . . . 271
- to make a journal of their proceedings, . . . . . 271
- of men to explore the country between the Connecticut River and the lake, . . . . . 271
- of men to explore the woods in the eastern frontiers, . . . . . 271
- of men to be posted at truck-house, Saco River, . . . . . 337
- allowance for, of soldiers at Castle William, . . . . . 564
- of men in York County, . . . . . 670

**ENSIGN.**

- James Woodside, . . . . . 26 *bis*, 27, 114 *bis*
- allowance to, for whale-boat oars, etc., . . . . . 26, 114
- allowance to, for wood, . . . . . 27
- allowance to, for repairing whale-boats, . . . . . 114
- Moses Markham, . . . . . 72
- Zeechariah Trescott, . . . . . 84, 99

**ENTAIL.** (*See Estates Tail.*)**ENTERTAINMENT.**

- allowance for:
  - of the Lieut. Governor and the Council, 172, 421, 495
  - of Indian messengers, . . . . . 275
  - of Lieut. Governor, etc., . . . . . 289
  - of Eastern Indians, . . . . . 345
  - of Governor in Bristol County, . . . . . 557
  - on day of the Governor's arrival in Boston, 357, 504
  - of Governor and attendants, . . . . . 359
  - at Rebecca Holmes' house on day of Governor's arrival, . . . . . 367
  - of the Governor, . . . . . 368
  - of the Governor and family, . . . . . 370
  - on the king's coronation day, . . . . . 376
  - of Indians at fort at Richmond, . . . . . 381
  - expenses of, on queen's birthday, . . . . . 392
  - of Indian chiefs at St. George's River, . . . . . 414
  - of Indian sachems, . . . . . 417
  - of interpreters, . . . . . 417
  - of the General Assembly, . . . . . 474
  - of Indians at truck-house, . . . . . 494
  - of officers of the militia on day of the Governor's arrival, . . . . . 507
  - of Indian delegates, . . . . . 507
  - of companies on day the Governor came to the General Assembly at Cambridge, . . . . . 508
  - of troops under Col. John Wainwright, . . . . . 508
  - on the anniversary of the king's coronation, . . . . . 520

**EPISCOPALIANS.** (*See Church of England Ministers.*)

- not exempt from taxes as to the support of the Congregational churches, . . . . . 512, 637

**EQUITY.** (*See Administration of Estates, Appeal or New Trial, Bonds, Executor or Administrator, Injunction, Judgment, Mortgages, Power.*)

- the General Assembly as a court of, . . . . . 9, 19, 75, 107, 189, 201, 210, 236, 247, 250, 252, 258, 263, 272, 282, 320, 326, 397, 432, 454, 481 *bis*, 482, 491, 496, 498, 508, 519, 522, 525, 541 *bis*, 543, 546, 547 *bis*, 551, 565, 567, 572, 582, 585, 587, 592, 599, 600, 601, 604, 605, 606, 607, 608 *bis*, 617, 621, 622, 628 *bis*, 633, 636, 656, 668, 671, 679, 680, 681, 690, 694, 696, 698, 700, 702, 720 *bis*, 722, 726, 727, 730, 731, 734, 735, 736, 741, 743, 750, 760 *bis*, 766, 773, 774, 777, 779, 783, 791, 794, 798

**EQUITY OF REDEMPTION.**

- petition to redeem land, . . . . . 9, 482

- EQUIVALENT LANDS.** . . . . 145, 619, 696, 699
- partition of, granted, . . . . . 145

**ESSEX COUNTY.**

- treasurer's accounts of, (*See County Treasurers.*)
- courts of, adjourned, . . . . . 157, 236
- justices of:
  - superior court to hear and determine case, 219, 731
  - to inquire upon application of the petitioner as to complaint of forcible entry and detainer, 234
  - superior court to hear case of Charles and Sarah Johnson, . . . . . 296
  - power to, to administer an oath as to deed of land, 791
  - under sheriff of:
    - held for trespass, . . . . . 300
    - allowance to, to defend action, . . . . . 303
    - further allowance to, to prosecute an appeal, . . . . . 375
  - commissioners for letting out the £100,000 loan. (*See Loan.*)
- Pennacook to lie in, . . . . . 559

- ESTATES TAIL.** . . . . 236
- cutting off entail, . . . . . 43, 348, 395

**EUROPEAN GOODS.** (*See Goods.*)**EVIDENCE DE BENE.**

- taken in illness, . . . . . 791

**EXCHANGING BILLS.**

- defaced, . . . . . 606

**EXCISE.**

- duties of:
  - as security for the repayment and drawing in the bills of credit, 54, 91, 170, 264, 321, 363, 435
- paid by:
  - Benjamin Gardner as innkeeper, . . . . . 419
  - Elisha Odling as innkeeper, . . . . . 419
- collector of, in York County:
  - removal of, from office, . . . . . 615
  - John Tyng, . . . . . 703

**EXECUTION.** (*See Stay.*)

- stay of, 44, 59, 126, 164, 201, 284, 366, 453, 454, 475, 481, 498, 499, 503, 519, 525, 547, 551, 565, 569, 582, 621, 622, 636, 680, 696, 700, 702, 720, 721, 730, 743, 750, 754, 760 *bis*, 774, 775, 777, 783, 791, 794, 798
- petition that money under, shall be repaid to the petitioner, . . . . . 158
- power to the clerk of the courts of common pleas to issue an, . . . . . 432
- for balance of account, . . . . . 491
- copy of an, to be valid as the original, . . . . . 619
- setting aside of, . . . . . 668
- allowance to reimburse Benjamin Crabtree on account of an, . . . . . 754

**EXECUTOR OR ADMINISTRATOR.**

- John Ashley, administrator of estate of Capt. John Pynchon, . . . . . 11
- petition of John Yeoman, administrator of estate of Elisabeth Yeoman, . . . . . 19
- Martha Waters, Richard and Samuel Waters, executors of Richard Waters' will, . . . . . 23
- petition of Stephen Boutineau, administrator of estate of Benjamin Bate, for a new trial, . . . . . 47
- power to:
  - Solomon Briant (an Indian), administrator, to sell land, . . . . . 74
  - Comfort Briggs, administratrix of estate of Ebenezer Briggs, to sell land, . . . . . 82
  - administrators of two soldiers slain, . . . . . 115
  - Mrs. Mary Dyer, administratrix of estate of Col. Gyles Dyer, . . . . . 142
  - John Crisde, administrator of estate of Thomas Banister, a minor, . . . . . 150

EXECUTOR OR ADMINISTRATOR—  
*continued.*

power to:	
Elisabeth Wood, administratrix of estate of Capt. John Wood, to execute a deed of partition, . . . . .	156
Ann Marsh, administratrix of estate of Joseph Marsh, to sell land, . . . . .	156
Joshua Wroe and Jonathan Williams, executors of William Webster's will, to sell land, . . . . .	161
petition of Mary Alford, executrix of Benjamin Alford, to open a judgment, . . . . .	167
power to Mrs. Elisabeth Usher, administratrix of estate of John Usher, to take a reconveyance of land, . . . . .	177
petition of:	
Thomas and John Walker, executors of Thomas Walker's will, . . . . .	228
Rachel Whitten, administratrix of estate of Elias Whitten, . . . . .	236, 250
Thomas Coochuck, administrator of estate of Thomas Waban, to sell land to discharge the debts, . . . . .	272
Stephen Boutineau, administrator to Benjamin Bate, . . . . .	272
Timothy Sprague, administrator to Dorothy Sprague, . . . . .	285
petition of Elisabeth Lindsay, administratrix of estate of Eleazer Lindsay, for partition of lands, . . . . .	286
power to:	
Rev. Ebenezer White to execute a deed, . . . . .	349
Susannah Seales, administratrix, to reconvey land, . . . . .	375
Seth Babbitt, administrator of estate of Timothy Cooper, to sell land, . . . . .	377
petition of Mary Breed, executrix of John Breed's will, as to the division of an estate, . . . . .	425
power to Mrs. Katherine Menzies, administratrix, to execute a deed, . . . . .	428
petition of:	
administrator of estate of Justinian Holden to execute a deed, . . . . .	429
Edward Lewis, administrator of estate of Eleazer Lewis, to sell land, . . . . .	487
Andrew Faneuil, administrator of estate of Henry Franklin, . . . . .	493
petition of:	
Hannah Wilson, executrix, to sell land, . . . . .	503
Charity Maw, as administratrix, to sell land, . . . . .	510
Sarah Dolbear, administratrix of estate of John Elliot, . . . . .	524
petition of:	
William Anthony, executor of will of Abraham Anthony, for a new trial, . . . . .	541
Abigail Allen, administratrix, to sell land, . . . . .	558
Elisabeth Usher, administratrix of estate of John Usher, to sell land, . . . . .	565
Sarah Rice, administratrix of estate of Josiah Rice, to execute a deed, . . . . .	585
Patience Redwood and Joseph Whipple, administrators of estate of Abraham Redwood, to execute a release of a debt, . . . . .	587
William Anthony, executor of Abraham Anthony, as to the service of a writ, . . . . .	608
power to Sarah Emerson, as administratrix, to reconvey land, . . . . .	609
petition of:	
Grace Potter, executrix of will of Judah Potter, . . . . .	615

EXECUTOR OR ADMINISTRATOR—  
*continued.*

petition of— <i>continued.</i>	
Elisabeth Usher, administratrix of John Usher, for a copy of an execution, . . . . .	619
power to:	
Elisabeth Carter, executrix of Thomas Carter, to sell land, . . . . .	634
executors of will of Col. William Taiter to sell land, . . . . .	655
administrators of estate of Abraham Redwood to sell land, . . . . .	665
Benjamin Eaton, administrator, to sell land, . . . . .	678
petition of:	
Mary Winans, executrix of the will of Jacob Winans, and Hannah Winans, executrix of Isaac Winans, to sell land, . . . . .	682
Mary Moore, administratrix of estate of Jonathan Moore, to sell land, . . . . .	683
power to:	
Joseph Whipple and Patience Redwood, administrators of estate of Abraham Redwood, to serve writ of review on Edward Tottill and Michael Asher, . . . . .	690
John Cushing, jr., administrator, to sell land, . . . . .	691
Gyles du Lake Tidmarsh, executor of will of Samuel Appleton, . . . . .	696
power to:	
Sarah Bryant, administratrix, and Thomas Frink, jr., and Thomas Stone, guardians, to sell land of minors, . . . . .	716
Gyles du Lake Tidmarsh, executor of will of Samuel Appleton, to enter an action, . . . . .	734, 741
John Elsworth and Mary Elliot, executors of will of John Elliot, to sell land, . . . . .	753
Nathaniel Southgate, executor of will of David Pachusus, Indian, to sell land, . . . . .	765
petition of Nathaniel Fitch and others, executors of will of James Tisdale, for further time, . . . . .	773
will of Joseph Bass, . . . . .	784
power to Martha Brigham, executrix, to sell land, . . . . .	794
<b>EXPORTS.</b>	
masts, etc., . . . . .	91
<b>EXPRESS.</b>	
soldier wounded while riding, to Fort George at Brunswick, . . . . .	15, 99
expense of (no place named), 21, 77, 90, 94, 110, 152, 164, 176 <i>bis</i>	
ferrriage of, over Newbury ferry, . . . . .	30
bills of credit emitted for payment of, dispatched in the service, 34, 91, 170, 204, 321, 363, 435	
expense of:	
from Northampton to Boston and return, . . . . .	35
from Springfield to Northampton, . . . . .	69
to Maquoit, . . . . .	93
to Richmond Fort, . . . . .	93
sending, allowance for, . . . . .	95
in Hampshire County, allowance for, . . . . .	112
eastward, . . . . .	181
riding, from Richmond to Boston and return, . . . . .	192
from Falmouth to Boston, . . . . .	334
from Albany, . . . . .	371
to summon members of House of Representatives, . . . . .	383
from Salem to London, . . . . .	592
horse impressed to go, to Albany, . . . . .	69
Zechariah Trescott sent, . . . . .	73, 84
schooner impressed to go, to Maquoit and North Yarmouth, . . . . .	80

## F.

**FACTORS.**

John Alford, . . . . .	64
James Alford, . . . . .	64
John Osborne to John Cook and Company, . . . . .	685

**FALSE IMPRISONMENT.**

action by the Palatines for, . . . . .	671
----------------------------------------	-----

**FAMILIES.**

## annexation of:

in Malden to Reading, . . . . .	158
in Stoughton to Walpole, . . . . .	188
in Bridgewater to Easton, . . . . .	261
in Sutton to Westborough, . . . . .	304
in Scituate to Pembroke, . . . . .	312
in Stoughton to Braintree, . . . . .	333, 352
in Needham to Natick, . . . . .	476
in Groton to Westford, . . . . .	484
in Sudbury to Stow, . . . . .	497, 529
to Bridgewater, . . . . .	520
in Stoughton to Dedham, . . . . .	682

of southwestern part of Dedham and of Stoughton

to be a separate precinct, . . . . .	568
--------------------------------------	-----

petition for, to be restored to Reading, . . . . .	560
----------------------------------------------------	-----

petition of, to be set off from Raynham to Taunton, . . . . .	613
---------------------------------------------------------------	-----

certain, in Newbury to pay their part in the ministerial tax, . . . . .	627
-------------------------------------------------------------------------	-----

petition for certain, to be added to the North Parish, Reading, . . . . .	629
---------------------------------------------------------------------------	-----

**FARMS.**

annexation of, to Sutton, . . . . .	23, 81, 323
Hutchinson's, . . . . .	81
Davenport's, . . . . .	81
Collin's, . . . . .	81
Mauchauz, . . . . .	155, 228, 322, 388
Whitehall, . . . . .	156

near Medford called Ten Hills, lying in Charles-

town, . . . . .	177
deed of sale of, . . . . .	177

power to Elisabeth Usher to take a reconvey- ance of land, . . . . .	177
-------------------------------------------------------------------------	-----

power to sell, . . . . .	672
--------------------------	-----

of the late Gov. Gurdon Saltonstall, . . . . .	401
------------------------------------------------	-----

Brenton's, Province land adjacent to, . . . . .	416
-------------------------------------------------	-----

## annexation of:

to Marlborough, . . . . .	455
to Stow, . . . . .	455
to Oxford, . . . . .	624

## Hathorn:

petition for a resurvey of, . . . . .	564
report of committee as to, to be referred to next May session, . . . . .	628

boundary of, renewed, . . . . .	653
---------------------------------	-----

partition of, belonging to Samuel Gardner, . . . . .	695
------------------------------------------------------	-----

of Abraham Jacques to belong to Wilmington, . . . . .	718
-------------------------------------------------------	-----

John Roger's, in Swansen, leased to John Hewlet, . . . . .	739
---------------------------------------------------------------	-----

Benjamin Muzzy's farm, . . . . .	740
----------------------------------	-----

— Mayhew's farm, . . . . .	740
----------------------------	-----

**FAST.**

proclamation for a, . . . . .	230
allowance for sending a proclamation for a, . . . . .	339

**FAYAL, ISLAND OF.**

Aaron Stuckey, merchant in, . . . . .	142
---------------------------------------	-----

**FENCE VIEWERS.**

Nathaniel Nichols, . . . . .	125
Isaac Oldham, . . . . .	125

**FEOFFEES.**

of Roxbury Free School:

power to, to sell land, . . . . .	310
-----------------------------------	-----

**FERRIAGE.**

allowance to:

Richard Dowell for, . . . . .	30
Thomas Leclap for, . . . . .	338

of volunteers, . . . . .	190
--------------------------	-----

Humphrey Hook, . . . . .	630
--------------------------	-----

**FERRY.**

profits of penny, for Charlestown, . . . . .	18
----------------------------------------------	----

Newbury, . . . . .	30, 338
--------------------	---------

Gage's, on the Merrimac, . . . . .	285
------------------------------------	-----

Griffin's, on the Merrimac, . . . . .	285
---------------------------------------	-----

Winnisimmet, . . . . .	419
------------------------	-----

over the Merrimac:

petition for renewal of the grant of the, . . . . .	650
between Falmouth and Martha's Vineyard, . . . . .	634, 658

**FERRYMEN.**

Richard Dowell, . . . . .	30
---------------------------	----

Thomas Leclap, . . . . .	338
--------------------------	-----

Humphrey Hook, . . . . .	630
--------------------------	-----

Samuel Barker, . . . . .	634
--------------------------	-----

Joseph Parker, . . . . .	658
--------------------------	-----

**FEVER.**

soldier sick with, . . . . .	71
------------------------------	----

**FIELD OFFICERS.**

gloves and rings for, . . . . .	431
---------------------------------	-----

**FINES.**

part of, due the Province by John Moffat to be remitted, . . . . .	222
-----------------------------------------------------------------------	-----

deduction of the, of several towns, . . . . .	656
-----------------------------------------------	-----

abatement of, in Hatfield, . . . . .	718
--------------------------------------	-----

refunded as to Tiverton, . . . . .	752
------------------------------------	-----

**FIRE.**

barn, &c., lost by, . . . . .	107
-------------------------------	-----

abatement of interest on account of, . . . . .	107
------------------------------------------------	-----

bills of credit lost by, . . . . .	141, 376, 615, 652, 718, 780, 783
------------------------------------	-----------------------------------

soldier burnt in the woods by, . . . . .	556
------------------------------------------	-----

house lost by, . . . . .	652
--------------------------	-----

clothes lost by, . . . . .	780
----------------------------	-----

**FIRE-WOOD.** (*See Wood*.)**FISH.**

delivered to Barret Dyer to sell for William Pit- man, . . . . .	250
---------------------------------------------------------------------	-----

wear for stopping the, on the Connecticut River, . . . . .	522
------------------------------------------------------------	-----

prevented from coming up Ipswich River owing to mill dam, &c., . . . . .	606
-----------------------------------------------------------------------------	-----

report of committee as to stopping the passage of, up Ipswich River, . . . . .	639
-----------------------------------------------------------------------------------	-----

**FISH DAM.** (*See Dam*.)**FISHERMEN.**

tax exacted from, for benefit of Greenwich hos- pital, . . . . .	693, 758
---------------------------------------------------------------------	----------

**FISHING TOWNS.**

committee on petition of, for a relief from a tax, . . . . .	693
report of a draft of a letter to Agent Wilks by, . . . . .	758

**FLAX.**

duck or canvas made from, . . . . .	52, 241, 724
-------------------------------------	--------------

receivable in payment of taxes, . . . . .	170
-------------------------------------------	-----

**FLINTS AND STEELS.**

for Indian trade at Biddeford, . . . . .	241 note
------------------------------------------	----------

**FLOODING LANDS.** (*See Lands*.)**FORCIBLE ENTRY AND DETAINER.**

of a house in Haverhill, . . . . .	234, 300
------------------------------------	----------



**FORGERY.**

John Bishop charged with, . . . . . 12

**FORT DUMMER.**

Capt. Timothy Dwight, commander :  
muster-roll of garrison at, . . . . . 29, 152  
allowance to, for fire-wood, . . . . . 152  
chaplain at :

Rev. Daniel Dwight, . . . . . 97  
scout sent out from, . . . . . 104

Capt. Joseph Kellogg, commander :  
muster-roll of garrison at, . . . . . 424

**FORT GEORGE, at Brunswick.**

soldier wounded while riding express to, . . . . . 15  
timber, etc., for repairs at, . . . . . 111  
Capt. John Gyles, commander :

muster-roll of garrison under, . . . . . 24  
allowance to, for wood, etc., . . . . . 25

Capt. William Woodside, commander :  
muster-rolls of garrison under, 26, 114, 183, 248, 339  
allowance to :

for wood, . . . . . 27, 183  
for subsisting two Indians, etc., . . . . . 183  
for repairs, etc., at, . . . . . 247  
for transporting stores to, . . . . . 320

Capt. Benjamin Larrabee, commander :  
muster-roll of garrison under, . . . . . 320, 410, 513  
allowance to :

for wood, . . . . . 320, 513  
for repairs, etc., . . . . . 410 *bis*  
for repairing boat, . . . . . 513  
for entertainment and presents to the Indians, 513  
for support of the chaplain at, . . . . . 515, 593  
rate allowed, per month, . . . . . 341  
power to, to make repairs, . . . . . 342  
pay of soldiers under, same as at Castle Wil-  
liam and other forts, . . . . . 585  
indent of stores by, for, . . . . . 593, 595  
soldier injured while in service at, . . . . . 720

**FORT MARY, at Winter Harbor.**

Capt. Samuel Hinks, commander :  
muster-roll of garrison under, . . . . . 101, 139  
allowance to :

for provisions, etc., . . . . . 101  
for sinking a well, . . . . . 121  
for fire-wood supplied, . . . . . 139, 175  
for transportation of wood, . . . . . 175  
for repairs, . . . . . 139, 173  
stop of wages on next muster-roll of soldiers  
overpaid under, . . . . . 162

wages of sentinel omitted on muster-roll of,  
allowed, . . . . . 174  
wages of certain soldiers to be paid to, . . . . . 195  
in arrears to the Province, . . . . . 265  
discharged as to his indebtedness to the Prov-  
ince, . . . . . 265

Capt. James Woodside, commander :  
muster-roll of garrison under, 175, 268, 341, 400, 460,  
509

allowance to :  
for transportation of wood for, . . . . . 341  
for repairs, . . . . . 337  
for disbursements at, . . . . . 402, 461  
wages of soldier withheld by, . . . . . 569  
allowance to Richard Smith for wood, . . . . . 101  
repairs and materials for :

allowance for part payment, . . . . . 360  
work at, to be viewed, etc., . . . . . 360  
allowance for viewing the repairs at, . . . . . 377  
allowance to Benjamin Haley for cord wood,  
to be demolished, . . . . . 514

**FORT AT RICHMOND.**

goods needed for Indian trade at, . . . . . 31

Capt. Joseph Heath :

muster-roll of garrison under, 90, 194, 244, 319, 381,  
414, 450, 492, 512  
allowance to, for managing the Indian trade, . . . . . 192  
elected truck-master, . . . . . 244  
percentage allowed on goods retailed, . . . . . 252  
power to, to build a house for the Indians, . . . . . 371  
allowance to :

for building house, . . . . . 381  
for entertainment of Indians, . . . . . 381  
for medicine, etc., for soldier, . . . . . 450  
indent of stores by, for, . . . . . 596

soldier wounded at :

allowance to Robert Wilson, . . . . . 125, 232, 436, 771

Jabez Bradbury :

elected truck-master, . . . . . 652  
missionary for the Indians to reside at, and act as  
chaplain, . . . . . 669  
rate per annum to truck-master at, . . . . . 743

**FORT AT ST. GEORGE'S RIVER. (See**

Blockhouse at St. George's River.)

**FORTIFICATIONS.**

allowance for :

viewing the, . . . . . 531  
drawing plans of the, . . . . . 535  
a duplicate of the draft of the, . . . . . 545

**FORTS.**

Castle William, 12, 19, 21, 25, 28, 45, 55, 78, 88, 89, 90,  
91, 122, 124, 155, 159, 160 *bis*, 161, 169, 197, 211,  
229, 234, 263, 264, 301, 311, 313, 318, 320, 321, 333,  
363, 371, 372, 380, 395, 409 *bis*, 411, 424, 431, 435,  
442, 448, 449, 479, 493, 494, 502, 515, 533, 534, 555,  
564, 571 *bis*, 573, 762, 780 *bis*, 792

Casco, . . . . . 14

George, at Brunswick, 15, 24, 25, 26, 27, 111, 114, 183,  
248, 320, 339, 341, 342, 410 *ter*, 513 *bis*, 585,  
593 *bis*, 595

Dummer, . . . . . 29, 97, 152 *bis*, 424

at Richmond, 31, 90, 125, 192, 194, 232, 244 *bis*, 252,  
319, 371, 381 *ter*, 414, 436, 450 *bis*, 492, 512, 596,  
652, 669, 748, 771

bills of credit emitted for defraying expenses of, 34,  
91, 170, 264, 321, 363, 435

Mary, 101 *ter*, 121, 139, 162, 173, 174, 175 *bis*, 195, 265,  
268, 341 *bis*, 357, 360, 377, 400, 402, 460, 461, 509,  
514, 569, 759

**FRAUDULENT CONVEYANCES.**

refusal of oath to prisoner because of, . . . . . 456

**FREE SCHOOL.**

of Roxbury, . . . . . 310

**FRENCH AND INDIANS.**

brought to Boston and delivered up to justice, . . . . . 84

land granted to Capt. Joseph Brown for services

against the, . . . . . 151

captive redeemed from the, . . . . . 305

land granted to Arthur Bragdon for services

against the, . . . . . 349

**FRENCHMEN.**

subsisting, at Castle William, . . . . . 73

**FRENCH PRISONERS.**

medical services for, . . . . . 80

**FRENCH TUTOR.**

mourning for, . . . . . 431

**FRONTIERS. (See Eastern Frontiers, Western**

Frontiers.)

**FUNERAL.**

of Gov. William Burnett :

committee to take charge of, . . . . . 431

**FUNERAL** — *continued.*

of Gov. William Burnett — <i>continued.</i>	
firing guns at Castle William at time of, . . . . .	431
pall-bearers for, . . . . .	431
expenses of, . . . . .	441

**FUNERAL EXPENSES.**

allowance to David Melville for, of Indian prisoners, . . . . .	33
allowance for, of an Indian messenger, . . . . .	266
allowance for, of the late Gov. William Burnett, . . . . .	441
sickness and, of an Indian woman, allowed from estate of her father, . . . . .	390

**GARDENER.**

John Crisde, . . . . .	158
------------------------	-----

**GARRISONS.**

at Castle William. ( <i>See</i> Castle William.)	
at Fort George. ( <i>See</i> Fort George.)	
at blockhouse at St. George's River. ( <i>See</i> Block- house.)	
at Maquoit. ( <i>See</i> Maquoit.)	
at Fort Dummer. ( <i>See</i> Fort Dummer.)	
bills of credit emitted for defraying expenses of the, . . . . .	34, 91, 170, 264, 321, 363, 435
at North Yarmouth, . . . . .	71
under Sergt. James Parker, . . . . .	71
under Ensign Moses Markham, . . . . .	72
at fort at Richmond. ( <i>See</i> Fort at Richmond.)	
at Fort Mary, Winter Harbor. ( <i>See</i> Fort Mary.)	
at blockhouse above Northfield. ( <i>See</i> Block- house.)	

**GARTERS.**

for Indian trade at Biddeford, . . . . .	241 note
------------------------------------------	----------

**GENERAL ASSEMBLY.**

expense of sending writs for calling the, . . . . .	21, 164, 253 281, 314
publishing the acts of the, . . . . .	32
allowance for:	
expense in attending the, . . . . .	36
entertainment of committees of the, . . . . .	50, 339, 391
candles for, . . . . .	119
expense of committees, . . . . .	184, 273, 443, 527
sundries delivered to committees of the, . . . . .	202
expense in summoning representatives to the, . . . . .	382
laws furnished, . . . . .	387, 460
paper for and printing the proceedings of the, . . . . .	445
expense in removing books and papers belong- ing to the, . . . . .	448
entertainment of the, . . . . .	474
entertainment of members on the anniversary of the king's coronation, . . . . .	520
law book for the members of the, . . . . .	37
allowance to chaplains of the, for services, . . . . .	288, 382, 398, 444 <i>bis</i> , 461, 522, 573
allowance to the committee of the, for viewing Taunton, . . . . .	317

**GENERAL SESSIONS.** (*See* Courts.)**GEORGE**, the sloop (a transport).

David Franklin, master:	
hire of, and wages due master and company ac- cording to muster-roll, . . . . .	10

**GIFTS.** (*See* Presents.)

deed of, . . . . .	320
--------------------	-----

**GLAZIER.**

William Cunningham, . . . . .	308
-------------------------------	-----

**FUNERAL EXPENSES** — *continued.*

allowance for, of Joseph Russell, . . . . .	497
allowance for, of Richard Crocker, . . . . .	497
wages of deceased soldier allowed to defray, . . . . .	555
of David Pachusus, Indian, to be paid from pro- ceeds of sale of land, . . . . .	765

**FURNITURE.**

sale of land to buy, etc., . . . . .	604
--------------------------------------	-----

**FURS.**

produce of, received in Indian trade, . . . . .	439
Treasurer to consign, to Francis Wilks, agent, . . . . .	524

**G.****GLOVES.**

furnished for mourning at Gov. William Bur- nett's funeral, . . . . .	431
--------------------------------------------------------------------------	-----

**GOODS.**

for Indian trade to be put on sloop Merry Meeting, . . . . .	31
for Indian trade to be consigned to Edmund Mount- forth and Joseph Heath, . . . . .	31
and liquor purchased for the Indians, . . . . .	62
Treasurer's account of, purchased for Indian trade, . . . . .	70
delivered to soldiers at Fort Dummer, . . . . .	119
Treasurer to take Capt. Timothy Dwight's bond for return of, . . . . .	110
at Albany belonging to the Province to be sold, . . . . .	180
trust or credit forbidden for, sold at truck-house to Indians, . . . . .	199
truck-masters forbidden to trust Indians for, . . . . .	201
necessary for Indian trade, . . . . .	214, 241
to be purchased for the Penobscot Indians, . . . . .	261
European, for trade with the Western Indians, . . . . .	330
West India, for trade with the Western Indians, . . . . .	330
guard for, at truck-house, Saco River, . . . . .	397
to be supplied for Indian trade, . . . . .	426
account of, purchased for Indian trade, . . . . .	439

**GORE OF LAND.**

near Bridgewater:	
deeded to Benjamin Allen, taken up by grants, . . . . .	437
appointment of committee as to confirmation of part of, . . . . .	506
report of committee as to, . . . . .	552, 557
of Attleborough:	
arrest of constables while collecting taxes in, by Rhode Island, . . . . .	651
cost of prosecution to be paid by this Prov- ince, . . . . .	674, 757
appointment of committee as to the right of this Province to the, . . . . .	673
appointment of committee to attend the com- missioners as to the, . . . . .	705
allowance to committee for settling the affair as to the, . . . . .	722
appointment of committee to prepare instruc- tions to the agent as to the right of this Province to the, . . . . .	753
settlement of boundary of, . . . . .	755
arrest of officers for serving process in, . . . . .	755
report of committee as to, . . . . .	773
imprisonment of officers for serving process in, . . . . .	786
services of Edward Shove for officers arrested in, . . . . .	798

**GOVERNOR OF THE PROVINCE.**

house of:	
allowance for repairs at, . . . . .	77, 123, 172
William Burnett:	
expense of committee to wait on, upon his arrival, . . . . .	337

**GOVERNOR OF THE PROVINCE — continued.****William Burnett — continued.**

allowance to, for services, . . . . .	355
allowance for:	
attendance upon, from Bristol to Boston, . . . . .	356, 359
expenses of, at Joshua Fisher's house, . . . . .	357, 358
entertainment on day of the arrival in Boston of, . . . . .	357, 367, 504
entertainment of, and attendants, . . . . .	359
dinner for, and others, . . . . .	359
hire of horses for chariot of, . . . . .	362, 370
expenses of, at Solomon Hewes' house, . . . . .	365
entertainment of, . . . . .	368
dinner on day of the arrival of, . . . . .	361
disbursements in providing for, . . . . .	369
entertainment of, and family at house of Elisha Cook, . . . . .	370
dinner for the guard of, . . . . .	371
firing of guns on day of the arrival of, . . . . .	389
reception of:	
committee to provide for the, . . . . .	183, 279
repairing Province House for the, . . . . .	258, 382
allowance for expenses of the, in Bristol County, . . . . .	357
table of:	
committee to provide for, . . . . .	352
committee as to funeral of, . . . . .	431
mourning for the family and attendants of, . . . . .	431
pall bearers for funeral of, . . . . .	431
funeral expenses of, . . . . .	441
allowance to the children of, . . . . .	758
<b>Jonathan Belcher:</b>	
appointed by King George the Second, . . . . .	472
committee as to the reception of, . . . . .	472
allowance to, for expenses, . . . . .	487, 748
allowance for:	
expense at the battery on the day of the arrival of, . . . . .	506
expense of journey of, and others, . . . . .	506
entertainment of the officers of the militia on the day of the arrival of, . . . . .	507
confirmation of land to, . . . . .	559
land purchased for the use of, . . . . .	590
enlisting men in York County as a guard to, . . . . .	670

**GOVERNOR AND COUNCIL.**

allowance for entertainment of the, . . . . .	172, 421
-----------------------------------------------	----------

**GRAIN.**

lost by fire, . . . . .	107
petition for appointment of measurers of, . . . . .	753

**GRAMMAR SCHOOL.**

land granted for, in Cambridge, . . . . .	740
mistake in survey of, . . . . .	771
revising survey of, . . . . .	771
power to lay out land for support of a, in Duxbury, . . . . .	789

**GRANTEES.**

delinquent, in North Town in Turkey Hills, . . . . .	374
power to, to choose a committee to manage affairs of the plantation adjacent to Naticook or Brenton's Farm, . . . . .	416
power to, of land between Oxford, Brookfield, Brimfield and the Province line to choose a clerk, . . . . .	427
meeting appointed for, of the land granted for Narragansett soldiers, . . . . .	460, 472, 525
to choose committees for regulating the townships for the Narragansett soldiers, . . . . .	673
petition of the, of Brimfield for the privileges of a town, . . . . .	548

**GRANTEES — continued.**

of Lower Town on Housatonic River to be taxed equally, . . . . .	561
grants of the, of Pennacook to be forfeited upon failure to fulfil conditions, . . . . .	643

**GRANTS.**

bills of credit emitted for payment of, . . . . .	34, 91, 170, 264, 321, 363, 435
---------------------------------------------------	---------------------------------

**GRATUITY.**

allowance to Lieut. Gov. William Tailer as a, . . . . .	475
---------------------------------------------------------	-----

**GREAT BRITAIN.**

contract for masts for, . . . . .	91
Jonathan Belcher appointed Governor while he resided at the court of, . . . . .	487

**GREENWICH HOSPITAL.**

petition for relief from taxes demanded for support of, . . . . .	693
addition to committee on, . . . . .	713
committee as to taxes for, reported a draft of a letter to Agent Wilks, . . . . .	758

**GREYHOUND, the sloop.**

Capt. David Parker, master:	
hire of, and wages due master and company, . . . . .	222
allowance for stores to fit out, . . . . .	222

**GRIST-MILL.**

to be built on land belonging to a Natick Indian, . . . . .	425
-------------------------------------------------------------	-----

**GUARD.**

muster-roll of the, attending Lieut. Governor, . . . . .	64
for protection against the Indians, . . . . .	91
men to be posted at Scarborough, . . . . .	91
to inhabitants making hay, . . . . .	93
to be raised in York County for the Lieut. Governor, . . . . .	173
pay and subsistence of, . . . . .	173
to the Lieut. Governor at the late treaty, . . . . .	190
muster-roll of, . . . . .	198
allowance for dinner for the, of the Governor, . . . . .	371
at truck-house, Saco River, for trade and merchandise, . . . . .	397
for the Governor, . . . . .	670
wages of, . . . . .	670

**GUARDIAN.**

of minors, . . . . .	19, 658, 659, 691, 753, 775
appointment of, in place of one deceased, . . . . .	126
power to Edward White to join with other, to sell land, . . . . .	126
to children of William Clark, . . . . .	145
for Indians of Puncapaug, . . . . .	147
Edward White, to sell land, . . . . .	154
William Payne, to sell land, . . . . .	154
John Winchester, to sell land, . . . . .	154
Joseph Coolidge, to join in the sale of land, . . . . .	227
to children of James and Mary Houlton, . . . . .	255
power to, to sell land to the highest bidder, . . . . .	255
to William Charnock, a minor, . . . . .	283
power to, to sell land revoked, . . . . .	370
to children of Ebenezer Briggs, . . . . .	472
to children of John Elliot, . . . . .	524
for William Head, a minor, . . . . .	547, 604
Zachariah Fitch, to James Kibby, . . . . .	548, 619
William Hayward, to sell land, . . . . .	586
Josiah and Hannah Willard, to minors, to sell land, . . . . .	597
power to Edmund Quincey, and others to sell land, . . . . .	642
Increase How, to minors, . . . . .	662
of minors to sell land, . . . . .	672, 715, 716, 732, 778
power to Benjamin Snelling, to sell land, . . . . .	798

**GUN CARRIAGES.**

repairing, at Fort George, . . . . .	25
--------------------------------------	----

**GUNDELO**

- allowance for hire of, . . . . . 79, 175, 341
- allowance for, lost in service, . . . . . 186
- allowance for building a, . . . . . 319
- allowance for a, at St. George's River, . . . . 414

**GUNNER**

- at Castle William:
  - William Barnslade, . . . . . 28, 159, 311, 383, 479, 502
  - pay of, established, . . . . . 88, 573

**GUNPOWDER.**

- for garrison at blockhouse, St. George's River, . . . . . 261
- storage of, belonging to merchants, . . . . 140, 409

**GUNPOWDER — continued.**

- money received for storage of, . . . . . 392
- credit for storage of, . . . . . 495

**GUNS.**

- cleaning and mending Province arms, . . . . 14
- for Indian trade at Biddeford, . . . . . 241 note
- firing, on day of Governor's arrival, . . . . 389
- firing of, at Castle William at time of the Governor's funeral, . . . . . 431
- allowance for gun lost, . . . . . 514

**GUNSMITHS.**

- John Gerrish:
  - allowance to several, for repairing arms, . . . 179

**H.****HAMPSHIRE COUNTY.**

- treasurer's accounts of, (*See* County Treasurers.)
- petition for a grant of land in, . . . . . 105
- court of assize in, (*See* Assize Court.)
- land granted in, for services, . . . . . 262, 599
- commissioners for letting out the £100,000 loan, (*See* Loan.)
- laying out land in, for services, . . . . . 205, 719
- truck-master to procure provisions in, . . . 330
- Peletiah Glover, corner of:
  - allowance to, for an inquest, . . . . . 336
- justices of:
  - power to, to hear and determine case, . . . 720
- laying out land in, . . . . . 745
- two new towns on Ashuelot River to be in, . 781
- Indian committed to jail in Springfield, . . . 792

**HARVARD COLLEGE.**

- president of:
  - Rev. Benjamin Wadsworth:
    - allowance to, . . . . . 49, 182, 328, 442, 477, 746
    - gloves and ring for, . . . . . 431
  - Rev. John Leverett, late, died in debt, . . . 86
- overseers of:
  - construction of an act of 1642 relating to, . 262
- professors and fellows of:
  - gloves for, . . . . . 431
- president and fellows of:
  - petition of the, to lay out land, . . . . . 546
  - power to, to sell land for the use of the college, . . . . . 751, 777

**HASSANIMISCO.**

- petition to purchase land at, from the Indians, . 169
- report of committee as to the purchase of land at, . . . . . 233
- report of committee to project a method obliging the purchasers to comply with the terms, . 240
- allowance to committee for services at, . . . 243
- trustees for Indians of, to pay interest money for their support, . . . . . 283
- trustees for Indians of, . . . . . 299
- report of the, . . . . . 343
- account presented by, . . . . . 422, 483
- discharge of the, as to their account, . . . 599
- English settlers at:
  - to pay charge of surveying, etc., . . . . . 503
- petition of committee of, as to the collection of dues, . . . . . 671

**HASSANIMISCO INDIANS.** (*See* Indians.)**HATCHETS.**

- for Indian trade at Biddeford, . . . . . 241 note

**HATS.**

- for Indians, . . . . . 251 note
- beaver skins for manufacture of, . . . . . 426

**HAY.**

- soldier wounded while guarding persons making, lost by fire, . . . . . 107

**HEARINGS, order of.** (*See* Notice, Order of.

- on petition of the north and west inhabitants of Framingham, . . . . . 68
- on petition of Jonathan Whitney referred to December, instant, . . . . . 235
- petition of Joseph Priest for a new trial referred to next May session, . . . . . 285
- continued to fall session to be heard at the present session, . . . . . 379
- on Mendon affair, . . . . . 528

**HEMP.**

- act as to raising, . . . . . 37
- duck or canvas made from, . . . . . 52, 241, 724
- receivable in payment of taxes, . . . . . 179
- bounty for, to Thomas Moore, . . . . . 205

**HIDES.**

- receivable in payment of taxes, . . . . . 179

**HIGHWAYS.**

- purchased by Charlestown to be opened for use of the ferry, . . . . . 18
- over Bound Brook River, . . . . . 87
- to truck-house on Saco River to be repaired, . 464
- to be laid out to the ferry between Falmouth and Martha's Vineyard, . . . . . 634
- damage by laying out, through private land, . 735, 742
- in Stoneham:
  - irregular proceedings of the Court of General Sessions as to, . . . . . 794

**HOLLAND CLOTH.** (*See* Cloth.)**HOPKINS' LEGACY.**

- trustees of:
  - unimproved land in charge of the, not to be taxed, . . . . . 436, 449

**HORSES.**

- impressed, . . . . . 14, 69
- allowance for hire of, . . . . . 76, 84
- ferriage of, . . . . . 30, 338
- hire of, . . . . . 51, 75, 95, 110, 308, 399, 419, 526
- allowance for damage to, . . . . . 69
- allowance for, for the Governor's chariot, coach, etc., . . . . . 362, 370
- in mourning, . . . . . 431

**HORSE STEALING.**

- by an Indian, . . . . . 311

**HOSE.**

- for an Indian, . . . . . 251 note

**HOSPITAL.**

- on Spectacle Island:
  - building to be erected near, . . . . . 324
  - allowance for building a house near, . . . . 396

**HOSPITAL** — *continued.*

Greenwich:

- petition for relief from taxes demanded for sup-  
port of, . . . . . 693
- addition to committee on, . . . . . 713

**HOUSE.** (*See Inn.*)

- built at Scarborough for stores, . . . . . 91
- at Richmond and St. George's River as truck-  
houses, . . . . . 95
- sale of Indian land to build, 317, 369, 376, 457, 479, 604
- to be built at Richmond for the Indians, . . . . . 371
- to be erected near the hospital on Spectacle Island, 324
- allowance for building a, near hospital, . . . . . 393
- allowance for building, near Richmond Fort, . . . . . 381
- near trading-house above Northfield for the Indians, 392
- allowance for store, at St. George's River, . . . . . 414
- allowance for, for chaplain at St. George's River, 414
- and land purchased for the Governor's use, . . . . . 590
- rate per annum on the principal to be paid to the  
heirs of Samuel Sewall for coach, etc., . . . . . 748

**HOUSE OF REPRESENTATIVES.**

- allowance for printing the votes of, 11, 77, 146, 267,  
314, 380, 411, 461, 492, 529
- speaker:
  - to have allowance for services, . . . . . 18
- William Dudley:
  - allowance per day to, 53, 122, 184, 289, 328, 443
  - gloves and rings for, . . . . . 431
- John Quincey:
  - allowance per day to, . . . . . 443, 526, 572, 747
- clerk:
  - John Wainwright:
    - allowance to, . 50, 118, 184, 288 *bis*, 328, 444, 747
    - allowance to, for preparing votes, etc., . . . . . 119
  - Maj. John Chandler:
    - allowance to, for services, . . . . . 443
  - Francis Foxcroft:
    - allowance to, for services, . . . . . 511, 533, 573, 746

**HOUSE OF REPRESENTATIVES** — *con-  
tinued.*

- expense of members attending Lieut. Governor, . 63,  
191
- stationer's wares for, . . . . . 98, 267, 387, 460
- chaplain:
  - Rev. John Webb:
    - allowance to, for services, . . . . . 119
  - Rev. Nathaniel Appleton:
    - allowance to, for services, . . . . . 522
  - Rev. Samuel Checkley:
    - allowance to, for services, . . . . . 747
- expense of committees of, . . . . . 119, 184, 385, 420
- allowance for curtain made for, . . . . . 119
- allowance for work done by order of the, . . . . . 173
- dinner for, on the day the king was proclaimed, . 203
- expense of summoning members of the, . . . . . 383
- gloves and rings for members of, . . . . . 431
- allowance for paper and printing for the, . . . . . 475
- Jonathan Belcher agent for, at the court of  
Great Britain, . . . . . 457
- allowance for expense of attending the, . . . . . 492, 518
- allowance to Francis Wilks for services as agent  
of, . . . . . 501
- allowance to Jonathan Belcher for services as  
agent of, . . . . . 504
- allowance to subscribers of funds sent to agents  
of, . . . . . 504
- doorkeeper to:
  - James Clark:
    - allowance to, for services, . . . . . 511
  - Jonathan Youngman:
    - allowance to, for services, . . . . . 523

**HOUSEWRIGHT.**

- William Webster, . . . . . 161

**HUE AND CRY.**

- allowance for expense in pursuing John Bishop  
by, . . . . . 12

**I.****IGNORANCE OF THE LAW.** (*See Mis-  
take or Ignorance.*)**IMPORTS.**

- Spanish wines, . . . . . 161
- negro, named Nick, . . . . . 209

**IMPOST.** (*See Negroes, Wine.*)

duties of:

- as security for the repayment and drawing in  
the bills of credit, 34, 91, 170, 264, 321, 363, 435
- Charming Jenny exempted from, on wines, . . . . . 161
- remission of, . . . . . 188, 208, 227
- on cargo of wine, . . . . . 439
- commissioners of. (*See Commissioners of Im-  
post.*)
- printing, acts, . . . . . 314

**IMPRESSMENT.**

- of horses, . . . . . 14, 69, 76, 84, 147
- encouragement to volunteers to prevent expense  
of, . . . . . 54
- of Samuel Morgan to go express, . . . . . 69
- of vessels, stones, etc., . . . . . 77
- of schooner to go express, . . . . . 80
- of men, . . . . . 147, 254

**IMPRISONMENT.** (*See Jail.*)

- Edmund Ingalls and others released from, . . . . . 395
- allowance to John H. Lydius for losses, expenses,  
etc., owing to, . . . . . 643
- of Palatines, . . . . . 671

**INCAPACITY, MENTAL.** (*See Insane, In-  
firm and Weak-minded Persons.*)**INDENT.**

- of stores for Castle William, 28, 159, 311, 383, 479, 502
- of stores for blockhouse at St. George's River, . 66,  
199, 347, 384
- of goods for the Indian trade at Biddeford, . . . . . 241
- of stores for Fort George, . . . . . 593, 595
- of stores for fort at St. George's River, . . . . . 596
- of stores for fort at Richmond, . . . . . 596
- of stores for sloop Endeavor, . . . . . 598
- of stores for truck-house on Saco River, . . . . . 620

**INDIAN CAPTIVES.**

- in jail, care of, . . . . . 84
- committee as to the purchasing of, . . . . . 337
- (woman) in late war to be returned to the Eastern  
Indians, . . . . . 353

**INDIAN CHIEFS.** (*See Sachems.*)**INDIAN CHILDREN.**

- exchange of, for English captives, . . . . . 192

**INDIAN CLAIMS.**

- to land in the eastern frontiers, . . . . . 62
- to land at Pennacook, etc., . . . . . 762

**INDIAN CORN.**

- receivable in payment of taxes, . . . . . 170
- for Indian trade at Biddeford, . . . . . 241 note
- percentage allowed for waste on, retailed, . . . . . 252
- to be ground toll free, . . . . . 425

<b>INDIAN DELEGATES.</b>	244, 507, 614
<b>INDIAN HOSTAGES.</b>	
keeping, in jail, . . . . .	181
clothing for, . . . . .	181, 351
allowance for subsisting, . . . . .	351
<b>INDIAN LANDS.</b>	74, 105, 112, 113, 169, 233, 240, 260,
311, 312, 317, 318, 320, 343, 358, 360, 364, 365, 367,	
376, 391, 425, 430, 446, 449, 452 <i>his</i> , 453, 457, 458,	
479, 501, 503, 550, 566, 602, 604, 625, 634, 685, 704,	
730, 731, 765	
<b>INDIAN LANGUAGE.</b>	
Abraham Johnson, interpreter in, . . . . .	246
<b>INDIAN MESSENGERS.</b>	
provisions for families of, . . . . .	251
blankets, etc., for, . . . . .	251 note
allowance for intemperment of, . . . . .	266
allowance for entertaining, . . . . .	275
allowance to Rowland Dyke for subsisting, . . . . .	346
subsisting families of, . . . . .	347
<b>INDIAN PLANTER.</b>	
Thomas Coochuck, . . . . .	272
Thomas Pegan of Natick, . . . . .	317
Israel Rumney Marsh of Natick, . . . . .	318
<b>INDIAN PRISONERS.</b>	
allowance for:	
subsisting, . . . . .	33, 78
sickness and funeral expenses, . . . . .	33
subsisting Joseph Quasson, . . . . .	63
medicine, etc., for, . . . . .	80
<b>INDIAN PRIVATEER.</b>	
Daniel Rindge and others taken by, . . . . .	140
<b>INDIAN SACHEMS.</b> ( <i>See</i> Sachems.)	
<b>INDIAN SERVANT.</b>	
enlisted in service, wounded, . . . . .	22
execution taken out for recovery of an, . . . . .	126
allowance to Luke Vardy for, . . . . .	353
<b>INDIAN SOLDIERS.</b>	
wounded, . . . . .	22, 54, 234, 327, 374, 552
allowance for subsisting, etc., of, . . . . .	54
muster-roll of, . . . . .	91
<b>INDIAN TRADE.</b> ( <i>See</i> Trade.)	
<b>INDIAN VOLUNTEERS.</b>	
land grant for enlisting, . . . . .	163
<b>INDIAN WAR.</b> ( <i>See</i> War.)	
<b>INDIAN WILLS,</b>	74, 765
<b>INDIAN WITNESSES.</b>	
expense of carrying, to attend court, . . . . .	54
<b>INDIANS.</b> ( <i>See</i> Captives.)	
expenses about, in travelling to Salem, . . . . .	22
affair of Solomon Barnabas, an Indian, . . . . .	36
expense of carrying Indian witnesses to attend court, . . . . .	54
virtualing or subsisting an Indian soldier	
wounded, . . . . .	54
expense of conveying, to Castle William, . . . . .	78
subsisting, . . . . .	78, 183
in jail, allowance for, . . . . .	143
died in service, . . . . .	79
cradle and coffin for, . . . . .	79
none to be enlisted or retained at Castle Wil-	
liam, . . . . .	88, 373
petition of Samuel Abraham of Natick to sell	
land, . . . . .	105, 556
petition of Joseph and Bethia Peters to sell land	
for payment of debts, . . . . .	112
petition of James and John Speen of Natick to	
sell land, . . . . .	311
trustee for, of Puncapang, . . . . .	113, 463
guardian for, of Puncapang, . . . . .	147
Jonas Cooper, an Indian, convicted of receiving,	
etc., stolen goods, . . . . .	126

**INDIANS — continued.**

land granted for services against the French	
and, . . . . .	151, 349
arms lost by soldier while in service against the, . . . . .	169
sloop hire for transportation of, . . . . .	204
proprietors of Oyster Island to sell their land, . . . . .	200
memorial as to trading-house at blockhouse above	
Northfield for peltry trade with, . . . . .	206
to pilot messengers to Canada, . . . . .	271
trustees for, of Hassanimisco, . . . . .	283, 299, 343, 422, 430,
483, 599, 689	
land for services against the, 305, 554, 633, 700, 720, 723	
petition of Thomas Pegan of Natick to sell	
land, . . . . .	317, 360, 731
power to Deborah Robbin to bring an action of	
trespass and ejectment, . . . . .	320
allowance to, wounded in Narragansett war, . . . . .	327
rate allowed interpreter to the, . . . . .	334
accompanying Capt. Joseph Kellogg's sister from	
Canada, . . . . .	340
as messengers to the tribes to which they be-	
long, . . . . .	340
blankets to, for services, . . . . .	347
allowance for provisions for, . . . . .	347
petition of Nathaniel Coochuck to sell land, . . . . .	365
sale of mortgaged land belonging to, . . . . .	367
allowance for Indian soldier wounded, . . . . .	374
petition of Joseph Ephraim of Natick to sell	
land, . . . . .	376
sickness and funeral expenses of an Indian	
woman, . . . . .	390
not to be wronged in trade, . . . . .	392
present for the, in provisions, . . . . .	392
unlawful trade with the, . . . . .	400
present for the Indian sachems in Boston, . . . . .	415
extraordinary expense of, . . . . .	417
petition of Joseph and Jane Abel to sell land, . . . . .	446
petition of Charles and Alice Watnam to sell	
land, . . . . .	452
committee's account of sale allowed, . . . . .	685
petition of Jacob and Abigail Waterman to sell	
land, . . . . .	453
petition of Samuel Pegan to sell land, . . . . .	479
account of the Treasurer as to trade with the, . . . . .	480
of Mashpee:	
land granted by, to Rev. Joseph Bourne, con-	
firmed, . . . . .	488
expense of a message to, . . . . .	499
petition of Joseph Ephraim, jr., to sell land, . . . . .	501
gun lost in service against, . . . . .	514
services in converting, to Christianity, . . . . .	530
petition of Jacob Chaleom to sell land, . . . . .	550
wounded by an Indian, . . . . .	566
petition of John and Hannah Brooks of Natick to	
sell land, . . . . .	602
petition of Stephen and Jemima David to sell	
land, . . . . .	604, 634
missionaries for, . . . . .	669
petition of John Talman of Edgartown, . . . . .	736
committee as to the claims of, to land, . . . . .	762
sale of land belonging to, . . . . .	765
committed to jail for murder, . . . . .	792
Eastern:	
allowance to soldiers wounded by, 14, 15, 24, 36, 55,	
78, 93, 99, 124, 148, 154, 166, 234, 254, 259, 351,	
459, 592	
allowance to Dr. George Jackson, wounded by:	
for raising men against the, . . . . .	21
for medical services, . . . . .	21
for loss of time, . . . . .	21

INDIANS — *continued.*Eastern — *continued.*

allowance for medical services for soldiers wounded by, . . . . .	24, 28, 36, 124, 154, 259
allowance for Indian soldier wounded by, . . . . .	39
soldiers killed by, . . . . .	104, 197
allowance to widows of, . . . . .	197, 353
soldier injured in the war with the, . . . . .	214
soldiers taken captives by. ( <i>See Captives.</i> )	
interpreter to, . . . . .	28, 30, 72, 105, 190, 197, 202, 386
goods needed at St. George's River and Richmond Fort for, . . . . .	31
trial of an Indian at York for murder, . . . . .	32
allowance for expenses of two, in attending the court of assize at York for trial of an Indian, . . . . .	42
Joseph Quasson convicted of murder of another Indian, . . . . .	42
allowance for keeping, . . . . .	63
ratification of the treaty with the:	
members of both houses attending Lieut. Governor at the, . . . . .	46
stores, etc., for members attending Lieut. Governor at the, . . . . .	51, 164
encouragement to volunteers to attend Lieut. Governor at the, . . . . .	54
presents for the, at the, . . . . .	58, 171
expense of members attending Lieut. Governor at the, . . . . .	63, 191
expense of persons attending Lieut. Governor at the, . . . . .	64, 65, 76, 77 <i>bis</i> , 146, 193, 209, 226 <i>bis</i> , 234
services of pilot of the vessels attending Lieut. Governor at the, . . . . .	64, 186
services of guard attending Lieut. Governor at the, . . . . .	64, 173, 190
medical services for persons attending Lieut. Governor at the, . . . . .	80, 215
express to inform the chiefs of the, as to the Lieut. Governor attending the, . . . . .	84
mariner wounded on sloop attending the Lieut. Governor at the, . . . . .	94, 157
interpreter to the, . . . . .	105
unlawful sale of liquor to the, at the, . . . . .	107
damage to bell in the vessel in which the Lieut. Governor went to the, . . . . .	123
allowance to waiters, etc., attending the Lieut. Governor at the, . . . . .	191, 205
allowance for hire of the Martha Galley attending the Lieut. Governor at the, . . . . .	193
allowance for services in delivering liquors, etc., at the, . . . . .	203
wages allowed soldier in service at the, . . . . .	206
allowance for provisions for Lieut. Governor and Council, . . . . .	365
allowance to Zachariah Treseot for services of two, . . . . .	50
five per cent. only on trade with the, . . . . .	62
Treasurer's accounts of trade with the, . . . . .	70, 226, 657, 784 <i>bis</i>
land granted:	
for services against the, . . . . .	70, 163, 172, 239, 250, 342, 369, 447, 505, 554, 561 <i>bis</i> , 563
to soldiers wounded by, . . . . .	223
to volunteers against the, . . . . .	355
allowance for attending examination of, at Winter Harbor, . . . . .	74, 146
apprehending two Indian soldiers belonging to the garrison at St. George's River, . . . . .	79
guard at Scarborough against the, . . . . .	91

INDIANS — *continued.*Eastern — *continued.*

missionaries for, . . . . .	92
truck-master for managing the trade with. ( <i>See Truck-masters.</i> )	
allowance for copies of the conferences with the, . . . . .	99, 198
allowance for provisions, etc., at Fort Mary at the time of the examination of, . . . . .	101
sickness of soldier contracted in service against the, . . . . .	102
muster-roll of volunteers against the, . . . . .	106, 190
scout surprised by, and carried captive into Canada, . . . . .	109
subsisting, on the Kennebec River, . . . . .	152
account of goods purchased for trade with, . . . . .	155
allowance for transportation of:	
from Falmouth to St. George's River, . . . . .	194
from Caseo, . . . . .	334
supplies for the, . . . . .	178
trust or credit forbidden to the, . . . . .	199, 201
trading-house on Saco River for, . . . . .	238
Treasurer to make restitution to, by purchasing goods acceptable to them, . . . . .	244
allowance for entertaining, at Fort George, . . . . .	247
supplies for families of Indian messengers, . . . . .	251, 347
allowance for subsisting Indian messengers from the, . . . . .	346, 347
retailing goods to, at fort at Richmond, . . . . .	252
allowance for services as to trade with the, . . . . .	256, 350
servant to assist the truck-master at St. George's River in trade with the, . . . . .	259
presents for chiefs of, . . . . .	289
ox killed by, . . . . .	316 <i>bis</i>
beaver given for ox by, . . . . .	316
account of the peltry trade with the, . . . . .	319
allowance for entertaining, . . . . .	345, 494
charges of commissioners to St. George's River to treat with the, . . . . .	346
power to build a house at Richmond for trade with, . . . . .	371
allowance for building house near Richmond Fort, . . . . .	381
entertainment of, at fort at Richmond, . . . . .	381, 494
reward to, for bringing deserters, . . . . .	381
guard at truck-house, Saco River, to protect goods for trade with, . . . . .	397
entertaining chiefs of the, at St. George's River, . . . . .	414
Rev. Joseph Willard killed by, . . . . .	433
deed lost during the war with, . . . . .	505
present for the, . . . . .	519, 600
interpreter to, at truck-house on Saco River, . . . . .	550
presents for delegates from the, . . . . .	614
instructions to managers of the trade with the, . . . . .	660
provisions, etc., for the Governor and others who attend the interview with the, . . . . .	667
guard for the Governor at the interview with, . . . . .	670
allowance to Gov. Jonathan Belcher for interview with the, . . . . .	748
allowance to Capt. Thomas Durell for his assistance with the ship Scarborough at the interview with the, . . . . .	749
Penobscot:	
allowance for:	
expense on, . . . . .	25
transporting, . . . . .	59
clothing and provisions for, . . . . .	59
provisions for chiefs of, . . . . .	73
disbursements on the chiefs of the, . . . . .	245
goods purchased for, to be distributed by Capt. John Gyles, . . . . .	261

**INDIANS — continued.**

Nantucket :	
expense of committee on the complaints of, . . .	56
expense of committee as to, . . . . .	104
Natick :	
power to the following, to sell land :	
Samuel Abraham, . . . . .	105, 566
John and James Speen, . . . . .	311
Thomas Pegan, . . . . .	317, 360, 731
Nathaniel Conchuck, . . . . .	365
Joseph Ephraim, . . . . .	376
Josiah Speen, . . . . .	449
Jacob Chaleom, . . . . .	452, 550
John Speen, . . . . .	457
Joseph Ephraim, jr., . . . . .	501
John and Hannah Brooks, . . . . .	602
theft by an Indian of Dr. Boylstone's horse and tackling, . . . . .	311
trustees for, to see justice done as to sale of land, . . . . .	311, 317, 318, 358, 360, 365, 567, 576, 446, 449, 452, 457, 458, 501, 602, 731
exchange of land by :	
Israel Runney Marsh, . . . . .	318
Thomas Waban, . . . . .	358
Benjamin Tray, . . . . .	458
power to Indian proprietors to give deed of land, . . .	364
sickness and funeral expenses of an Indian woman allowed from estate of her father, . . .	390
account of sale of land belonging to, . . . . .	391
allowance to Dr. Joshua Wheat for care of an Indian from estate of same, . . . . .	422
grist-mill to be built on land belonging to, . . .	425
of Puncapang :	
trustee for, . . . . .	113
guardian for, . . . . .	147
allowance to trustees of, for services, . . . . .	465
account by trustee for, allowed, . . . . .	694
of Hiasanimisco :	
petition to purchase land from, . . . . .	169
committee to view same, . . . . .	169
report of committee as to the purchase of land from, . . . . .	233
committee to project a method to oblige pur- chasers to comply with the terms, . . . . .	233, 240
trustees for, . . . . .	283, 299
report of the, . . . . .	343
to prosecute trespassers, . . . . .	343
discharge of, as to their account, . . . . .	422, 599, 755
to pay John Matthews for medicine, etc., . . .	430
account of the interest money by, . . . . .	483
account by the, allowed, . . . . .	689
Norridgewock :	
service of pilot attending the Lieut. Governor at the ratification of the peace with the, . . .	186
to make satisfaction for ox killed, . . . . .	316
Western :	
interpreter to, . . . . .	262, 334
Treasurer to purchase goods for the, . . . . .	330
instructions to managers of the trade with the, . . . . .	660
Treasurer's account of trade with the, . . . . .	784 <i>bis</i>
St. Francois :	
John Dorrell and others taken captives by the, . . . . .	303
messengers to the, allowance for, . . . . .	340
Cagnawaga :	
messengers to the, allowance for, . . . . .	340
allowance to, for services, . . . . .	347
present for, . . . . .	600
report of committee on the affair of, . . . . .	686

**INDIANS — continued.**

Titticut :	
power to Charles Watnam and sister to sell land, . .	452
petition of Jemima and Stephen David to sell land, . . . . .	604
trustees appointed for, . . . . .	730
in Middleborough :	
petition of Jacob and Abigail Waterman to sell land, . . . . .	453
petition of David Poquechus to sell land, . . . .	625
petition of Stephen and Jemima David to sell land, . . . . .	624
Saco :	
present for the, . . . . .	609
Christian, in Tisbury, Martha's Vineyard :	
petition of the agent for the, to be a precinct, . .	679
<b>INFECTIOUS DISEASES.</b>	
smallpox, . . . . .	458, 460, 475
<b>INFIRM PERSONS.</b> <i>See</i> Insane, Infirm and Weak-minded Persons.	
<b>INJUNCTION.</b>	
against building of meeting-house in Marshfield, .	33
stay of proceedings, . . . . .	107, 481
against cutting and drawing of timber for building a meeting-house, . . . . .	284
to restrain fishing at a wear, . . . . .	522
as to raising a meeting-house in Mendon, . . . .	525
officers of this Province not to be molested in the execution of their office, . . . . .	693
collectors of Edgartown and Tisbury forbidden to take rates or taxes from Simon Butler, . . .	656
as to settling land on Saco River, . . . . .	722
as to collecting the rates in Dedham, . . . . .	761
<b>INK.</b>	
for Council and House of Representatives, . . . .	98
<b>INN.</b> ( <i>See</i> Tavern.)	
Salutation, in Boston, . . . . .	419
for entertainment on the road between Westfield and Albany, . . . . .	684, 743
<b>INNKEEPER.</b>	
Luke Vardy :	
allowance to :	
for dining the Lieut. Governor and Council, .	32
for entertainment on day of the Governor's arrival in Boston, . . . . .	357, 391, 462
Rebecca Holmes :	
allowance to :	
for entertaining committees, . . . . .	50, 119, 184, 273, 280, 339, 391, 462
for entertainment of Governor and others, . .	359
renewal of licenses to the following persons :	
Frances Wardell, Boston, . . . . .	57, 209
Jeremiah Moulton, Berwick, . . . . .	350
William Willis, Medford, . . . . .	361
Benjamin Gardner, Brookline, . . . . .	419
licenses granted to the following persons as :	
James Parker, North Yarmouth, . . . . .	67
Stephen Richardson, Woburn, . . . . .	89
Thomas Perkins, Arundel, . . . . .	94
Judah Richards, Dedham, . . . . .	206
Thomas Weston, Reading, . . . . .	206
Samuel Andrews, Dighton, . . . . .	207
John Vose, Stoughton, . . . . .	221
John Ellis, jr., Brookline, . . . . .	223
Nathaniel Concy, Stoughton, . . . . .	224
John Beighton, Dorchester, . . . . .	225
Henry Farewell, jr., Dunstable, . . . . .	235
John Fowle, Woburn, . . . . .	235
Noah Chase, Rehoboth, . . . . .	249
John Sale, Boston, . . . . .	350



**INNKEEPER — continued.**

licenses granted to the following persons as — *continued.*

John Watson, Arundel, . . . . .	356
Susannah Hobbs, Boston, . . . . .	356
Daniel How, Framingham, . . . . .	359
John Hovey, Cambridge, . . . . .	387
Adrian Odling, Boston, . . . . .	419
Thomas Dring, Little Compton, . . . . .	420
Samuel Leaman, Reading, . . . . .	426
John Farrow, Freetown, . . . . .	447
Benjamin Ingalls, Falmouth, . . . . .	456
Benjamin Williams, Boston, . . . . .	510
Mary Fowle, Charlestown, . . . . .	520
John Bradshaw, Medford, . . . . .	534
William Coffin, Boston, . . . . .	555
John Phinney, Falmouth, . . . . .	607
Richard Avery, Roxbury, . . . . .	620
Moses Curtis, Stoughton, . . . . .	333
John Fisher, Dedham:	

allowance to, for expenses of the Governor at his house, . . . . . 357

Nathaniel Coney, Stoughton:

allowance to, for entertaining the Governor and attendants, . . . . . 359

John Pratt, Salem:

allowance to, for expense of committees, . . 385, 420

Sarah Stedman, Cambridge:

allowance to, for expense of committees, . . 445

Simon Rogers:

allowance to, for the General Assembly sitting at his house, . . . . . 527

Edward Lutwyche:

representative assaulted in house of, . . . 750

**INQUEST.**

allowance to Peletiah Glover for an, . . . 336

**INSANE, INFIRM AND WEAK-MINDED PERSONS, 335, 388, 415, 548, 619, 679**

**INSTRUCTIONS.**

for sale of goods for Indian trade, same as before, 31

to the Governor, . . . . . 171 note

draft of, to the agent for the Province, reported

and accepted, . . . . . 526

committee to give, to the agent of this Province re-

garding the Barbados affair, . . . . . 535

**INSTRUCTIONS — continued.**

committee to prepare, . . . . . 584

committee to prepare, to the agent of this

Province, . . . . . 620, 733

draft of, for managing the Indian trade, . . 660

to the truck masters in the eastern frontiers, . 660

to the truck masters in the western frontiers, . 660

to committee as to repairs at Castle William, . 780

**INTEREST MONEY.**

on purchase of Hassanimisco land, . . . . . 233

power to trustees of Hassanimisco Indians to pay, . . . . . 283

trustees of Hassanimisco Indians discharged as to receipts of, etc., . . . . . 422

trustees of Hassanimisco Indians to pay Amy Printer's, for medical services, . . . . . 430

services of trustee paid out of, belonging to Indians of Puncapang, . . . . . 463

**INTERPRETATION. (See Construction.)**

**INTERPRETER.**

Capt. John Gyles:

allowance to, for services as, . . . . . 28

allowance to, for services as, to the Eastern Indians, . . . . . 72

allowance to, for services as, in the Indian affairs, . . . . . 202

Lieut. Joseph Bane:

wages due in the eastern frontiers allowed, . 30

allowance to, as, to the Indians at the truck-house at Richmond, . . . . . 190

Capt. Samuel Jordan:

allowance to, as:

to the Eastern Indians, . . . . . 105, 197

at the ratification of the treaty, . . . . . 105

Capt. Joseph Kellogg:

to the Western Indians, . . . . . 262

rate allowed, . . . . . 334

Abraham Johnson:

allowance to, for services, . . . . . 386, 550

allowance for entertainment of, . . . . . 417

**IRISHMEN.**

forcible entry of a house, and detainer of the same, 234

**IRON.**

power to sell the old, from Pawtucket bridge, . 490

proceeds of sale of, to be remitted to this Province, 490

manufacture of casting, ware, . . . . . 689

**J.**

**JAIL.**

in Boston:

David Melville, keeper:

allowance to, for subsisting Indian prisoners, etc., . . . . . 33, 78

medicines and medical services for French and Indian prisoners in, . . . . . 80

Zachariah Trescot, keeper:

allowance for keeping Indians, . . . . . 143

allowance for subsisting George Condict, condemned for piracy, . . . . . 143

allowance for keeping Sarop, an Indian hostage, . . . . . 181

men committed to, for non-payment of the rates set at liberty, . . . . . 275

power to commit Job Bartlett and others to, . 607

petition of prisoners in, to give bail, . . . 608

care of Indian captives in, . . . . . 84

soldier in, for non-payment of bond, . . . . 354

**JAIL — continued.**

at Plymouth:

John Cowing committed to, on an execution, . 386

in Bristol:

Edmund Ingalls and others to be released from, 395

in Providence, Rhode Island:

constables of Attleborough committed to, . 603, 674

constables and assistants committed to, . . 651

allowance to Joseph Newell for expenses, etc., during, . . . . . 786

in Springfield:

Indian committed to, . . . . . 792

**JOINER.**

Joseph Pierce, . . . . . 254

**JOURNALS.**

to be kept of those enlisted to range the woods in the eastern frontiers, . . . . . 271

**JOURNEYS.**

expense of, from Boston to Falmouth, . . . 51

**JOURNEYS—continued.**

expense of, to Canada, . . . . .	180, 491
allowance to Benjamin Larrabee for, to Brunswick, . . . . .	249
allowance to Capt. Joseph Kellogg for:	
wages of self and company in, to Canada, . . . . .	331
expenses from Boston to Westfield, . . . . .	331
expenses from Albany to Westfield, . . . . .	332
allowance to Edward Winslow for:	
to Bristol, etc., . . . . .	356
expenses incurred during the Governor's, from Bristol to Boston, . . . . .	359
of Governor from Bristol to Boston:	
allowance for expenses at Solomon Hewes' house, . . . . .	365
expense of, to Roxbury, . . . . .	413
allowance for expense of, of the Governor and others, from Boston to New Hampshire, . . . . .	506
allowance to Joseph Gerrish for expense of, . . . . .	526

**JUDGES OR JUSTICES OF THE SUPERIOR COURT.**

allowance to, for services, . . . . .	48, 118, 182, 287, 328, 442, 477, 533, 745
order desiring the, to represent the matter of the prohibition, . . . . .	117
law book for chief justice, . . . . .	123
gloves and rings for, . . . . .	431

**JUDGMENT.**

by default, . . . . .	31, 59, 167, 366, 373, 475, 567, 621, 668, 690, 721, 730
appeal from, . . . . .	282, 291, 364, 432, 453, 454, 488, 496, 498, 569, 582, 601, 679, 739, 754, 773, 798
in a bastardy case, . . . . .	103
appeal from, notwithstanding the death of a co-defendant, . . . . .	148
order on John Crisde's petition in regard to cross, vacated, and execution ordered in favor of petitioner, . . . . .	150
complaint of, . . . . .	158
against John Moffat for transportation of a negro, set off against, . . . . .	166, 481 <i>bis</i> , 491, 525, 565
order thereon, . . . . .	498
proceedings upon, to be stayed, . . . . .	167
petition to enter an appeal from a, . . . . .	187
confirmation of, . . . . .	210, 496, 508, 519, 603, 633, 786
to be made up in accordance with an award, . . . . .	247
subjecting promissory note to satisfy, . . . . .	606
setting aside of, . . . . .	668, 688, 736
relief from, . . . . .	702, 726, 775
suspension of, . . . . .	750

**JURISDICTION.** (*See* Gore of Land.)

over Attleborough, . . . . .	523 <i>bis</i> , 532, 567, 568, 584, 591, 603, 651, 660, 673, 674, 705, 722, 733, 755, 757 <i>bis</i> , 773, 782, 786, 798
------------------------------	----------------------------------------------------------------------------------------------------------------------------

**JURY.**

foreman of:	
Nathaniel Rowman, . . . . .	44
incompetency of jurymen by reason of relationship, . . . . .	44
misconduct of, or tampering with the, . . . . .	493
unfair management of the, . . . . .	599
trial by, . . . . .	636
impaneling, as to highways in Stoneham, . . . . .	742
trial by, granted, . . . . .	763

**JUSTICES.**

of Suffolk County:	
power to:	
to hear and determine appeals, . . . . .	9, 189, 364
superior court to hear and determine case, . . . . .	47, 326, 437, 680, 694

**JUSTICES—continued.**

of Suffolk County—continued.	
power to—continued.	
to renew licenses, . . . . .	57, 209
to grant licenses notwithstanding lapse of time, . . . . .	206, 221, 223, 224, 419, 510, 555
to grant licenses, . . . . .	225, 350, 356
to admit entry of demurrer, . . . . .	232
to hear a review, . . . . .	313, 600, 607
superior court as to sale of land as if sitting in Bristol County, . . . . .	377
to enter anew William Anthony's action of review, . . . . .	547
inferior court to hear and determine case, . . . . .	685, 720, 721
to try case by jury, . . . . .	690
assize court to hear and try case, . . . . .	733
directed to continue the action to next term, . . . . .	516
of York County:	
power to:	
superior court to hear and determine an appeal, . . . . .	31
to grant licenses notwithstanding lapse of time, . . . . .	67, 94, 456
to renew license, . . . . .	350
to grant license, . . . . .	356, 607
to hear and try case, . . . . .	693
of Bristol County:	
power to:	
inferior and superior courts to hear and determine the case, . . . . .	33
to grant licenses notwithstanding lapse of time, . . . . .	297, 249, 420, 447
to hear writ of review, . . . . .	601
to hear and determine case, . . . . .	743
of Middlesex County:	
power to:	
inferior court to continue any action as to the meeting-house at Framingham, . . . . .	59, 63
inferior court to hear and determine case, . . . . .	59, 112, 373
to grant licenses notwithstanding lapse of time, . . . . .	89, 235, 370, 387, 426, 520, 534
inferior court to suspend an action of debt, . . . . .	267
to adjourn the courts, . . . . .	362
to consider case of David Gould, . . . . .	509
lawful to, to grant a license, . . . . .	206
to administer the oath to Thomas Moore as to hemp, . . . . .	205
of Plymouth County:	
report of the, on the petition of Joseph and Bethia Peter, . . . . .	112
power to:	
inferior court to make up judgment as to referees' award, . . . . .	125
inferior court to hear and try the appeal, . . . . .	148
superior court to hear and try the case, . . . . .	187, 766
inferior court to make up judgment in accordance with an award, . . . . .	247
to administer the oath to poor prisoners in debt, . . . . .	456
to prove payments on mortgage, . . . . .	585
power to hear the action on the appeal before the, of the superior court at Plymouth, . . . . .	291
of Essex County:	
superior court to hear and determine case, . . . . .	210, 731
upon application of the petitioner to inquire as to complaint of forcible entry and detainer, . . . . .	234
power to superior court to hear case of Charles and Sarah Johnson, . . . . .	396

**JUSTICES — continued.**

of Essex County — *continued.*

power to, to administer an oath as to deed of land, . . . . . 791

of Nantucket County :

power to inferior court to hear and try the case, 247

**JUSTICES — continued.**

of Hampshire County :

power to, to hear and determine case, . . . . . 720

of Worcester County :

David Taft, . . . . . 763

power to, to try case by jury, . . . . . 763

**K.**

**KEEPER.**

of the powder-house, Boston :

Daniel Powning :

allowance to, for watchmen's wages, etc., 10, 140, 302, 409, 495

allowance to, for services, . . . . . 140, 302, 409

power to, to obtain stone and build steps for the powder-house, . . . . . 389

power to, as to watchmen's wages, . . . . . 478

of the jail in Boston :

David Melville :

allowance to, for subsisting Indian prisoners, etc., . . . . . 33, 78

Zachariah Trescot :

allowance for keeping Indians, etc., . . . . . 143

allowance for keeping Sarop, an Indian hostage, etc., . . . . . 181

of the lighthouse :

Capt. John Hayes, . . . . . 38, 191

allowance to, for repairing boat at, . . . . . 211

allowance to, for cost of repairing boat at, . . . . . 302

allowance to, . . . . . 603

to be supplied with a new cable for the boat, . 622

**KETTLES.**

for the Indian trade at Biddeford, . . . . . 211 note

**KING GEORGE THE FIRST.**

anniversary of birthday of, . . . . . 9

celebration of the birthday of, . . . . . 29

allowance for mourning on death of, . . . . . 188

printing sermons on the death of, . . . . . 213

**KING GEORGE THE SECOND.**

allowance for wine on day, was proclaimed, . . . 200

allowance for disbursements attending the proclaiming of, . . . . . 200

dinner on the day, was proclaimed :

allowance to Rebecca Holmes for, . . . . . 202

for House of Representatives :

allowance to Luke Vardy for, . . . . . 203

allowance for entertaining Lieut. Governor, etc., the day, was proclaimed, . . . . . 280

expense in presenting address to, . . . . . 224

celebration of the accession of, to the throne, 313, 586

allowance for expenses on the anniversary of the accession of, to the throne, . . . . . 323, 495

providing for the celebration of the coronation of, . . . . . 373

allowance for entertainment on the coronation day of, . . . . . 376

Jonathan Belcher appointed Governor by, . . . 472

entertainment of members of the General Assembly on the anniversary of the coronation of, . . . . . 520

committee to prepare an address to, . . . . . 526

celebration of the anniversary of the coronation of, . . . . . 737

**KING'S CHAPEL.**

in Boston, gloves and rings for ministers of, . 431

**KNIVES.**

for Indian trade at Biddeford, . . . . . 241 note

**L.**

**LANCES.**

allowance for, . . . . . 197

**LAND. (See Power, Taxes.)**

extension of time to proprietors of Taunton for laying out, . . . . . 15

survey of Province, . . . . . 23

for erecting meeting-house at Frammingham, . . 23

sale of, for support, . . . . . 43, 82, 103, 388, 679

review of an action for recovery of, . . . . . 47

in York County granted for services, 70, 163, 172, 239, 250, 342, 349

sale of, to pay brother's debts, . . . . . 74

committee as to laying out certain, . . . . . 83

sale of, to pay debts and for benefit of children, . 96, 161, 270

sale of, to pay debts, 97, 103, 236, 250, 272, 377, 415, 454, 487, 496, 503, 510, 519, 524, 558, 634 *bis*, 658, 683, 731

petition for a grant of, in Hampshire County, . 105

sale of, belonging to Indians, 105, 112, 311, 317, 390, 565, 367, 376, 446, 449, 452 *bis*, 453, 457, 479, 501, 550, 566, 602, 604, 625, 624, 685, 731, 765

partition of, . . . . . 120, 145, 207, 680, 695

power to guardians to sell, 126, 154, 227, 255, 586, 597, 642, 672, 715, 716, 732, 778, 798

**LAND — continued.**

annexation of, to Rochester, . . . . . 136

report of committee as to sale of Province, . . . 140

granted by Rev. John Elliot to the school at Jamaica Plain, . . . . . 149

committee to survey, for Samuel Rich and others, 153

granted, 151, 223, 447, 505, 515, 530, 554, 561 *bis*, 563, 574, 633, 669

resurvey of, in Brimfield, . . . . . 153

taxation of unimproved :

in Abington, . . . . . 160

in Uxbridge belonging to non-residents, . . . 304, 625

in North Town, Turkey Hills, . . . . . 374

in Oxford, . . . . . 428

in Hopkinton, . . . . . 436, 449

in Lunenburg, . . . . . 627

in Biddeford, . . . . . 637

at the Elbows, . . . . . 703

allowance to committee for viewing Province, . 162

petition to purchase, from the Indians at Hassan-

misco, . . . . . 169

sale of, to pay husband's debts, . . . . . 177, 565

grant and map of, of Springfield to be produced, . 189

allowance for services in valuing certain, . . . 212

purchase of, in Turkey Hills, . . . . . 230

LAND—*continued.*

liberty to purchase Hassanimisco, conditionally, . . .	233
Daniel Waldo ejected out of, by reason of change of town boundaries, . . . . .	239
allowance to, for losses, etc., . . . . .	239
purchasers of Hassanimisco, . . . . .	240, 563
Province, granted for a precinct in Hadley, . . .	243
sale of, at auction, 255, 290, 311, 322, 452, 566, 602, 625, 634, 658, 662, 665, 679, 682, 683, 691, 715, 716, 731, 733, 738	
in Hampshire County granted for services, . . .	262, 309
sale of mortgaged, for support of children, . . .	274
petition for a new trial respecting the overflowing of, . . .	285
sale of, belonging to Roxbury free school, . . .	319
power to Daniel Adams and others to sell, . . .	319
exchange of, . . . . .	318, 358, 458
power to recover, . . . . .	320
sale of, for benefit of widow and children, . . .	323
petition of inhabitants of Medfield and others for, for a new town, . . . . .	324
power to Capt. John King to obtain confirmation of, from Connecticut, . . . . .	327
transferring lots of, at Turkey Hills without leave, . . .	329
granting persons new lots of, at Turkey Hills in exchange, . . . . .	329
committee to repay for lot of, forfeited, . . .	334
sale of, belonging to Mary Arnold, . . . . .	348
allowance to Samuel Sewall for rent of, for use of the Governor, . . . . .	354
granted to volunteers against the Indians, . . .	355
sale of, mortgaged by Samuel Ompatenenam of Natick, . . . . .	367
Dr. Joshua Wheat to be paid from proceeds of, . . .	422
order revoking power to sell, . . . . .	370
power to reconvey, . . . . .	375
power to Joseph Ephraim to sell, . . . . .	376
account of the sale of, near Manchung Pond, . . .	388
laid out on Saco River to Col. Johnson Harman and others, . . . . .	389
account of sale of, belonging to a Natick Indian, . . .	391
correction of a mistake in confirmation of a grant of, at Sutton, . . . . .	394
a resurvey to be made of, . . . . .	423
petition for return of money paid for forfeited lot, granted as an equivalent for land taken, . . .	437
petition of William and John Pray to redeem, from a mortgage, . . . . .	482
sale of, by Susannah Harris, . . . . .	491
committee appointed to report as to the Gore of, in Bridgewater, . . . . .	506
annexed from Charlesown to Malden subject to tax in Malden, . . . . .	520
all, in lower town of Housatonic River taxed, . . .	521
committee appointed as to, for a township, . . .	529
report of committee as to the Gore of, near Bridgewater, . . . . .	552, 557
power to committee to demand possession of, near Bridgewater, . . . . .	552
petition for confirmation of sale of, . . . . .	555
resurvey of, called Hathorn's Farm, . . . . .	564
deed for exchange of, . . . . .	585
new division of, to be made near Biddeford, . . .	590
special order to reconvey, . . . . .	609
granted to proprietors of Lunenburg as an equivalent for, granted to James Kibby, . . .	619
in Brimfield for grantees and their sons, . . .	630
undivided, in North Yarmouth to be divided equally among the settlers, . . . . .	641
power to sell, . . . . .	659
annexation of, to Southborough, . . . . .	674

LAND—*continued.*

a new survey of, for heirs of Col. Benjamin Church, . . . . .	677
committee as to, petitioned for by Joseph Wright and others, . . . . .	680, 728
all, in Dudley taxed, . . . . .	690
deed of, in trust for the Province, . . . . .	705
disposal of balance of proceeds of sale by trustees, devised by will for Harvard College, . . . . .	731, 777
more time allowed to go on with for settlement of, for a township at Pequodag, . . . . .	775
to be in Worcester County, . . . . .	782
contract for, by Roger and Benjamin Cavery, . . .	783
LAND common, country, <i>con.</i>	
sale of, in Natick, . . . 311, 317, 330, 449, 452, 457, 566, 602	
in Haverhill and Methuen, . . . . .	398
power to sell right in, . . . . .	449
cutting trees on, in York, . . . . .	582
division of, in Berwick, . . . . .	589, 625
purchase of, for the Governor's use, . . . . .	590
division of, at North Yarmouth, . . . 635, 641, 659, 797	
power to proprietors of common, in Salfield to survey, . . . . .	696
LAND (laying out, survey of, etc., <i>See</i> Surveying, Towns.	
in York County, . . . . .	70
granted to Francis Cary and John Turner, . . .	116
by the late Wait Winthrop not according to the grant, . . . . .	127
to Capt. Joseph Brown, . . . . .	151
to Capt. Richard Bourne, . . . . .	163
in York County for services against the Indians, . . . . .	172, 239, 342, 349
in Northfield, . . . . .	177
to heirs of Richard Middlecot, . . . . .	207
to Joseph Dimmock, . . . . .	223
to Capt. Joseph Kellogg, . . . . .	262
more time allowed for survey:	
of Province, laid out to Samuel Patridge, . . .	274
of, in York County, laid out to Capt. Jeremiah Moulton, . . . . .	280
of, granted to Richard Bourne, . . . . .	332
of, in Salfield, . . . . .	732
to Thomas Cushing, jr., . . . . .	286
to Capt. Benjamin Wright, . . . . .	305
to Watertown and Weston, . . . . .	305
for soldiers who served in the Narragansett war, . . .	325
to volunteers against the Indians, . . . . .	355
for Lunenburg, . . . . .	372
allowance to committee for, for Narragansett soldiers, . . . . .	379
reform of a survey of, at Tanteusques, . . . . .	379
allowance to committee for, at Tanteusques, . . .	379
by Maj. John Chandler, . . . . .	412
resurvey of, granted to Edward Hutchinson and Mary Wolcott, . . . . .	423
Province, for children of Rev. Joseph Willard, . . .	433
to Eleazer Warner, . . . . .	505
to Gov. Jonathan Belcher, . . . . .	515
to Ebenezer Mahew, . . . . .	550
granted to Harvard College, . . . . .	546
to James Kibby, . . . . .	548
to heirs of Richard Honeywell, . . . . .	554
to Benjamin Allen, . . . . .	558
to Capt. Andrew Robinson, . . . . .	561
to heirs of Maj. William Tyng, . . . . .	561
to heirs of Benjamin Church, . . . . .	563, 677
to James Hovey, . . . . .	574
to John Hobart, . . . . .	668
to William Haek, . . . . .	669

**LAND** (laying out, survey of, etc.) — *continued.*

to Joseph Stevens, . . . . .	681
to Christopher Jacob Lawton, . . . . .	684
to Stephen Greenleaf, . . . . .	688
to proprietors of common lands in Suffield, . . . . .	696
to Josiah Willard and others, . . . . .	697
to Nathaniel Alexander, . . . . .	700
for four towns, . . . . .	701
committee to survey the new town at the head of Berwick, . . . . .	703
committee to survey the three new towns in the western frontiers, . . . . .	703, 744
to Isaac Colton, jr., and Stephen Williams, . . . . .	715
to Timothy Child, . . . . .	719
to Benjamin Smith, . . . . .	723
to Samuel Dickenson, . . . . .	735
to Benjamin Starr and other heirs, . . . . .	745
to Samuel Bardwell, . . . . .	760
to John Choate for services as committee for North Yarmouth, . . . . .	767
revising, for grammar school in Cambridge, . . . . .	771
to Samuel Thaxter, John Turner and William Dudley, . . . . .	788
for support of a school in Duxbury, . . . . .	789
to Christopher Sergeant of Methuen, . . . . .	793
to Robert Rand, . . . . .	795

**LAND CLAIMS.**

of English in the eastern frontiers :	
committee to receive, . . . . .	46, 165
appointment of a committee as to, . . . . .	174
by heirs of Narragansett soldiers, . . . . .	760, 796
by Indians at Pennacook, . . . . .	762

**LAND GRANTS.** (*See Land Titles.*)

for services :	
to Capt. Jeremiah Moulton, . . . . .	70
to Capt. Joseph Brown, . . . . .	151
to Capt. Richard Bourne, . . . . .	163
to Col. Johnson Harman, . . . . .	172
to Joseph Hull, . . . . .	239
to Capt. Joseph Kellogg, . . . . .	262
to Narragansett soldiers, . . . . .	325, 460, 654
to Benjamin Larabee of Falmouth, . . . . .	342
to Arthur Bragdon, . . . . .	349
to Capt. Thomas Colton, . . . . .	369
and losses to Eleazer Warner, . . . . .	505
to Gov. Jonathan Belcher, . . . . .	515
to Ebenezer Mahew, . . . . .	530
to heirs of Richard Honeywell, . . . . .	554
to Stephen Greenleaf, . . . . .	633
to Benjamin Smith, . . . . .	723
to Rev. John Collins in 1683, . . . . .	110
to confirmation of, in 1707, . . . . .	110
fell south of line, . . . . .	110
equivalent land allowed Connecticut, . . . . .	110
petition for survey of, . . . . .	116
at Tanteques or the Black Lead Mines, . . . . .	127
to Joseph Dimmock, wounded in service, . . . . .	223, 447
for precinct in Hadley, . . . . .	243
to John Winslow for services of Capt. Josiah Winslow, . . . . .	250
power as to confirmation of, . . . . .	306
to volunteers against the Indians, . . . . .	355, 434
mistake in confirmation of, to be rectified, . . . . .	394
to John Richardson and others of Dunstable, . . . . .	416
to town of Sunderland, . . . . .	423
for children of Rev. Joseph Willard, . . . . .	433
to Benjamin Allen, . . . . .	437, 558
to Benjamin Muzzy in lieu of a former grant, . . . . .	531
petition for confirmation of, in Brimfield, . . . . .	549
to proprietors of Lunenburg, . . . . .	619

**LAND GRANTS** — *continued.*

to widow and children of Col. William Tailer, . . . . .	654
on Ware River for a town on certain conditions, . . . . .	656
to Joseph Stevens for losses during the war, . . . . .	681
to Christopher Jacob Lawton, . . . . .	684
to John Coffin and others for a new town, . . . . .	685
to Joseph Mallinson, . . . . .	689
to Samuel Thaxter, John Turner and William Dudley, . . . . .	788

**LAND TITLES.**

confirming of :

to heirs of Capt. John Pyncheon, . . . . .	11
in Suffield to John Kent, . . . . .	27
to heirs of Capt. John Allen, . . . . .	231
to Capt. Joseph Brown, . . . . .	303
expense of committee as to, to John Collins, . . . . .	306
to Capt. John King, conditionally, . . . . .	319
to proprietors of Pennacook as an equivalent for a former grant, . . . . .	354
to soldiers for service in the Narragansett war, . . . . . 378 <i>bis</i> , 769, 770, 771, 772, 785	379
to heirs of Wait Winthrop, . . . . .	379
to Col. Johnson Harman and others, . . . . .	389
to Joseph Dimmock, . . . . .	401
to Josiah Kingsbury as an equivalent for land taken from his farm, . . . . .	412
to Capt. Joseph Kellogg, . . . . .	416
for a township between Oxford, Brookfield, Brimfield and the Province line to inhabi- tants of Medfield, . . . . .	427
to volunteers at Pigwacket for a township, . . . . .	434, 726
to Watertown and Weston, . . . . .	438
to grantees of Lunenburg, . . . . .	448
to heirs of Maj. Robert Thompson, . . . . .	458
to Benjamin Larabee, . . . . .	473
to Benjamin Muzzy, . . . . .	473, 531
to Rev. Joseph Bourne, . . . . .	488
to Arthur Bragdon, . . . . .	502
to heirs of Rev. Joseph Willard, . . . . .	527
to heirs of William Perkins, . . . . .	559
to Gov. Jonathan Belcher, . . . . .	559
to Capt. Andrew Robinson, . . . . .	581
to Experience Mayhew, . . . . .	595
to Capt. Benjamin Wright, . . . . .	598
to Eleazer Warner, . . . . .	599
to Samuel Patridge, . . . . .	632
to heirs of Rev. Benjamin Allen, . . . . .	654
to Gov. Jonathan Belcher, . . . . .	663
to the proprietors of Lunenburg, . . . . .	664, 699
to heirs of Maj. William Tyng, . . . . .	670
to heirs of Hon. William Tailer, . . . . .	675
to heirs of Rev. Peter Hobart, . . . . .	675
to Joshua Lamb and others, . . . . .	678, 723
to heirs of Stephen Greenleaf, . . . . .	688
to James Hovey, . . . . .	714
to John Coffin and others for a town on Contoo- cook River, . . . . .	714
to Col. Josiah Willard and others for a town, . . . . .	725
to John Bennet and others for a township, . . . . .	726
to Edward Hutchinson and Mrs. Mary Waleot, . . . . .	727
to Northfield, . . . . .	728
to William Hack, . . . . .	730
to heirs of Anthony Stoddard and Capt. Weld, . . . . .	738
for a grammar school in Cambridge, . . . . .	740
to Capt. Joseph Stevens, . . . . .	740
to the proprietors of the house midway between Northfield and Lunenburg, . . . . .	743
to Joseph Mallinson, . . . . .	744
to inhabitants of south precinct in Hadley, . . . . .	779
to Benjamin Smith, . . . . .	781

**LAND TITLES — continued.**confirming of — *continued.*

for two towns on Ashuelot River, . . . . .	781
to John Choate, . . . . .	790
defective, cured, . . . . .	319

**LAW BOOKS.** (*See Province Laws.*)**LAWS, PROVINCE.** (*See Province Laws.*)**LAWYERS.** (*See Attorneys.*)**LEAD MINES OR TANTEUSQUES.**

survey of, very irregular, . . . . .	127
resurvey of, . . . . .	265
reform of the survey of, to Wait Winthrop, . . . . .	307
allowance to committee for a, . . . . .	316

**LEGACIES.** (*See Wills.*)**LEGISLATURE.**

breach of privilege of members of, . . . . .	750
----------------------------------------------	-----

**LETTERS.**

to governor of French territory demanding the captives, etc., . . . . .	271
from the Secretary to the governor of Rhode Island as to Attleborough affair, . . . . .	523
committee to prepare a draft of a letter to the agent of this Province, . . . . .	620
draft of, to Agent Wilks as to tax on fishermen, . . . . .	753
of credit:	
money advanced for purchase of silver and gold till, should take effect in Canada, . . . . .	332

**LICENSE.** (*See Innkeeper.*)

royal, for cutting trees, . . . . .	91
to guardian to sell land to pay debts, . . . . .	586
to marry, . . . . .	632
recognizances for, to sell liquor, . . . . .	729

**LIEUT. GOVERNOR OF THE PROVINCE.**

William Dummer:

to write to governor of New York as to boundary between Massachusetts and New York, . . . . .	12
members of both houses to attend, at the ratification, . . . . .	46
stores, etc., for members attending, at the ratification, . . . . .	51, 164
allowance to, for services, . . . . .	52, 117, 181, 287, 327, 474
encouragement to volunteers to attend, at the ratification, . . . . .	54
allowance to, for services at the ratification, . . . . .	63, 193
allowance for expense of members attending the, . . . . .	63, 191
services of persons attending, . . . . .	64, 65, 76, 77 <i>bis</i> , 146, 193, 209, 226 <i>bis</i> , 254
pilot of the vessels attending the, . . . . .	64, 186
allowance for beer for, and others at the ratification, . . . . .	66
medical services for persons attending, . . . . .	80, 215
express to inform the chiefs of the Indians as to the, attending the ratification, . . . . .	84
bell damaged in vessel in which the, went to the ratification of the treaty, . . . . .	123
mariner wounded on sloop attending the, at the ratification of the treaty, . . . . .	94, 157
allowance for entertainment of, and the council, 172 guard for, in York County, . . . . .	173, 190
allowance to waiters, etc., attending the, at the ratification of the treaty, . . . . .	191
muster-roll of company of Indians attending the, at the ratification of the treaty, . . . . .	191
hire of the ship Martha Galley to attend the, at the ratification of the treaty, . . . . .	193
beef and mutton purchased for, and others, . . . . .	196
services of soldiers attending, . . . . .	197
provisions for, and council at the ratification of the treaty, . . . . .	365

**LIEUT. GOVERNOR OF THE PROVINCE — continued.**

William Taiter:

allowance to, as a gratuity, . . . . .	475
allowance to, for services, . . . . .	530

**LIGHTHOUSE, BEACON ISLAND.**

keeper of:

Capt. John Hayes:

allowance to, for repairing boat at, . . . . .	211, 302
allowance to, . . . . .	603

Robert Ball:

petition of, for a new boat, . . . . .	763
committee appointed as to repairs in the wharf at, . . . . .	58
allowance for repairs at, and wharf, . . . . .	111
allowance to Joseph Wadsworth for services as to repairs of, . . . . .	111
cable for boat at the, . . . . .	191, 622
expense in securing boat, . . . . .	355
sails for boat at, . . . . .	445

**LINEN.**

present of, for the Indians, . . . . .	53
premium for manufacture of, . . . . .	291, 322

**LIQUOR.**

renewing license to sell, . . . . .	57, 361
five per cent. only on goods and, purchased to supply the Indians, . . . . .	62
license to sell, . . . . .	67, 89, 206, 207, 223, 356, 361, 520, 607
allowance for, at Fort Mary, . . . . .	101
unlawful selling of, to Indians, . . . . .	107, 490
allowance for, supplied on the day King George the Second was proclaimed, . . . . .	202
delivering of, by William Doak at the conferences with the Eastern Indians, . . . . .	203
allowance for, for Indian messengers, . . . . .	346
petition as to recognizances for license to sell, . . . . .	729

**LOAN.**

accounts of commissioners for letting out £100,000:

acceptance of the:

for county of Middlesex, . . . . .	41, 277
for county of Bristol, . . . . .	45
for county of Plymouth, . . . . .	45, 273
for county of Suffolk, . . . . .	273
for county of Essex, . . . . .	276
for county of Hampshire, . . . . .	277
for county of Barnstable, . . . . .	278
resolve as to the, for Barnstable County, . . . . .	46
allowance to the committee for examining the, . . . . .	279
to be settled, . . . . .	366
to be rendered, . . . . .	490

of £50,000:

trustees for letting out the:

acceptance of accounts of, . . . . .	51
to cancel mortgage on certain terms, . . . . .	107

of £60,000:

trustees for letting out the:

power to elect, in Chelmsford and Westford, . . . . .	763
-------------------------------------------------------	-----

**LODGING.**

for chaplain at St. George's River, . . . . .	261
-----------------------------------------------	-----

**LOVING UNITY, the ship.**

Jacob Lobb, master:

Palatines from Holland arrived in, . . . . .	631
suits pending between, and the Palatines, . . . . .	671

**LOYAL HEART, the sloop.**

Capt. Thomas Little, commander, . . . . .	58
allowance to, for expenses, . . . . .	58
allowance to, for services, . . . . .	62
fitted out against the pirates, . . . . .	60
wages due company on, according to muster-roll, . . . . .	60

**LUMBER.**

sloop Elisabeth and Mary loaded with, in Maine, . . . . .	122
-----------------------------------------------------------	-----

## M.

**MACKEREL IN BARRELS.**

receivable in payment of taxes, . . . . 170

**MADEIRA ISLANDS.**

sloop with wine from, . . . . 439

brigantine with wine from, . . . . 439

**MAINE.**

boundary of, . . . . 283, 317

**MANCHAUG POND.**

Province land near :

committee to survey, . . . . 153

allowance for surveying, . . . . 228

committee to sell, . . . . 322

account of the sale of, . . . . 388

**MAN OF WAR.**

gloves for captain of, . . . . 431

**MANUFACTURER.**

of duck or canvas :

bounty for the, . . . . 52, 116, 241

Joseph Mallinson, . . . . 689

Obadiah Dickenson, . . . . 724

**MAP.**

of Merrimac River :

to be sent to Agent Dummer for instruction as

to boundary between Massachusetts and

New Hampshire, . . . . 114

**MAQUAS. (See Mohawks.)****MAQUOIT:**

Ensign James Woodside, commander, . . . 26

wages due garrison at, . . . . 26

**MARINER.**

Diamond Sergeant :

allowance to, for horse impressed, . . . 14

Benjamin Parsons :

creditor to estate of Gyles Dyer, . . . 43

Samuel Doty :

master of sloop Tryal, . . . . 84

Thomas Millet, . . . . 122

Capt. William Maxwell :

allowance to, for use and damage of bell, . 125

Christopher Almy, . . . . 126

Andrew Anderson :

wounded, allowance to, . . . . 157

John Moffat, . . . . 164

James Willis, . . . . 189

William Pitman, . . . . 250

Martin Village, . . . . 453

Robert Ward, . . . . 481

Thomas Logget, . . . . 516

John Elder :

allowance to, for defraying sickness expenses, 554

Thomas Verien, jr., . . . . 567

William Beard, . . . . 567

William Winter, . . . . 621

William Carley, . . . . 798

**MARRIAGE.**

petition for, granted, . . . . 140

license for, . . . . 632

**MARTHA GALLEY, the ship.**

Capt. Cyprian Southack as pilot to, . . . 186

Capt. Richard Langdon, commander, . . . 193

hire of, to attend the Lieut. Governor at the ratification of the treaty, . . . . 192

allowance for services in delivering out stores on, . . . . 203

**MARTHA, the sloop.**

Edward Cooper, master, . . . . 188

**MARTHA, the sloop — continued.**

negro slaves on, . . . . 188

duty on two, deceased, refunded, . . . 188

**MARYLAND, the sloop.**

William Livermore, master :

no duties of impost on cargo of wine, . . . 439

**MASON**

Joseph Kneeland, . . . . 22

**MASSACHUSETTS.**

boundary between, and New York, . . . 12, 108, 562, 688

boundary between, and New Hampshire, 52, 108, 268,

396, 584, 610, 617 *bis*, 620, 733, 734

boundary between, and Connecticut, 110, 282, 306, 684,

790, 795

commissioners of, to meet commissioners of New

Hampshire as to the boundary, . . . 396

appointment of commissioners to settle boundary

between, and New Hampshire, . . . 517

boundary between, and Rhode Island, . 523, 591, 616,

620, 640, 655, 673, 687, 705, 713, 755, 773,

782

appointment of commissioners to settle boundary

between, and Rhode Island, . . . 532

majority of commissioners as to the boundary

between, and New York to constitute a

quorum, . . . . 568

majority of commissioners as to the boundary

between, and Rhode Island to constitute a

quorum, . . . . 568

**MASTER OR COMMANDER.**

of the sloops :

George :

David Franklin, . . . . 10

Merry Meeting :

Capt. Thomas Saunders, . . . . 31 *bis*, 87

Loyal Heart :

Capt. Thomas Little, . . . . 58, 60, 62

Dragon :

Capt. Richard Langdon, . . . . 61

Susannah :

Capt. John Robinson, . . . . 61

Tryal :

Samuel Doty, . . . . 84

Endeavor :

Capt. Joseph Majory, . . . . 86

Capt. Thomas Saunders, 179, 257, 336, 386, 432,

494, 513, 598

Martha :

Edward Cooper, . . . . 188

Greyhound :

Capt. David Parker, . . . . 222

Maryland :

William Livermore, . . . . 439

of the ships :

Sheerness :

Capt. — Cornwall, . . . . 62

Charming Jenny :

Capt. Timothy Jackson, . . . . 161

Morehampton :

John Moffat, formerly, . . . . 164

Martha Galley :

Capt. Richard Langdon, . . . . 193, 203

Eagle :

Nathaniel Mason, . . . . 201

Blanford :

Capt. George Prothro, . . . . 487

**MASTER OR COMMANDER—continued.**of the ships—*continued.*

Loving Unity :

Capt. Jacob Lobb, . . . . . 631, 671, 754

Scarborough :

Capt. Thomas Durell, . . . . . 749

of a vessel :

Capt. — Robinson, . . . . . 123

of the brigantine :

Thomas and Sarah :

John Leat, . . . . . 439

of garrisons :

at Castle William :

William Dummer, 19, 81, 161, 229, 318, 380 *bis*,  
409 *bis*, 448, 493, 497, 533, 554

William Taiter, . . . . . 533, 554, 571

at Fort George, Brunswick :

Capt. John Gyles, . . . . . 24

Capt. William Woodside, 26, 111, 114, 183, 248, 339

Capt. Benjamin Larrabee, 329, 341, 410, 513 *bis*,  
585, 593 *bis*

at blockhouse at St. George's River :

Capt. John Gyles, 25, 66, 76, 199 *bis*, 204, 245, 338,  
386, 414, 596

Capt. William Kennedy, . . . . . 30

at Maquoit :

Ensign James Woodside, . . . . . 26, 114

at Fort Dummer :

Capt. Timothy Dwight, 29, 104, 110, 115, 152 *bis*

Capt. Joseph Kellogg, . . . . . 424

at North Yarmouth :

Sergt. James Parker, . . . . . 71

Ensign Moses Markham, . . . . . 72

at Fort Richmond :

Capt. Joseph Heath, 90, 194, 232, 244, 319, 414,  
450, 492, 512, 596

at Fort Mary, Winter Harbor :

Capt. Samuel Hinks, 101 *bis*, 121, 139, 162, 174,  
195, 265Capt. James Woodside, 175 *bis*, 196, 268, 341, 400,  
462, 460, 509

at blockhouse above Northfield :

Capt. Timothy Dwight, . . . . . 106

Capt. Joseph Kellogg, . . . . . 336

at truck-house at Saco River :

Capt. Thomas Smith, . . . . . 420, 457, 507

at truck-house, St. George's River :

Capt. John Gyles, . . . . . 495

at truck-house above Northfield :

Capt. Joseph Kellogg, . . . . . 501, 601

Capt. — Penhallow, . . . . . 10

Col. Eleazer Tyng, . . . . . 15

Lieut. William Brentnall, . . . . . 20

Capt. Jeremiah Moulton, . . . . . 20, 58, 70

Capt. — Moulton, . . . . . 54

Lieut. Allison Brown, . . . . . 20

Capt. Richard Bourne, . . . . . 22, 32, 94, 99, 163, 191

Capt. Samuel Jordan, . . . . . 22, 95, 197

Capt. William Kennedy (Canada), . . . . . 22

Capt. Josiah Willard, . . . . . 24

Capt. John Lovewell, . . . . . 28, 36, 78, 93, 96, 102, 143

Capt. Samuel Barnard, . . . . . 29

Gen. Francis Nicholson, . . . . . 36

Capt. John Lovewell, . . . . . 36, 78, 93, 124, 245

Capt. Peter Oliver, . . . . . 38, 114

Lieut. Moses Markham, . . . . . 38

Lieut. John Lane, . . . . . 40

Capt. Samuel Wright, . . . . . 49, 87

Sergt. James Parker, . . . . . 60, 71

Capt. John Penhallow, . . . . . 61, 174

**MASTER OR COMMANDER—continued.**

Capt. Joseph Heath, . . . . . 62, 90, 96, 194, 244, 319, 381

Capt. Edward Winslow, . . . . . 64

Capt. Thomas Little, . . . . . 67

Col. — March, . . . . . 65, 221

Col. Johnson Harman, . . . . . 71

Lieut. Col. Johnson Harman, . . . . . 75, 190

Col. — Harman, . . . . . 206

Capt. John Gray, . . . . . 81, 123

Capt. Joshua Moody, . . . . . 82

Col. Thomas Westbrook, . . . . . 83, 93, 94, 186, 229

Capt. Joseph White, . . . . . 85

Capt. Samuel Wheelwright, . . . . . 98

Capt. Seth Wyman, . . . . . 192

Nathaniel Chamberlain, . . . . . 104

Capt. Ephraim Morton, . . . . . 106

Capt. Thomas Wells, . . . . . 169

Capt. Samuel Willard, . . . . . 176

Lieut. John Robbins, . . . . . 198

Capt. John Gyles, truck-house, St. George's River, 202

Capt. Josiah Winslow, . . . . . 234

Capt. John White, . . . . . 245

Lieut. Timothy Child, . . . . . 333

Lieut. John Pomeroy, . . . . . 337, 383

Capt. — Goodrich, . . . . . 345

**MASTS.** (*See Ship Masts.*)**MEAL.**

for Indian trade at Biddeford, . . . . . 241 note

percentage allowed for waste on, retailed, . . . . . 252

**MEASURERS.**

of grain :

petition for appointment of, . . . . . 753

**MEDICAL SERVICES.**

for Capt. Seth Wyman, . . . . . 18

allowance to Noah Johnson for, . . . . . 24, 78, 143

for garrison at Castle William, 30, 90, 169, 263, 333,  
424, 515

allowance to Hezekiah Bosworth for, . . . . . 36

allowance to Josiah Johnson for, . . . . . 36, 124, 259

for soldiers in the eastern frontiers, . . . . . 37, 214, 232, 249

allowance to Capt. John Gyles for, . . . . . 73

allowance to Dr. William Brattle for, on persons

attending the Lieut. Governor, . . . . . 80

allowance to Thomas White for, . . . . . 124

for garrison at St. George's River, . . . . . 194

for persons attending the Lieut. Governor at the

ratification of the treaty, . . . . . 215

for Amy Printer's wife, . . . . . 430

allowance for, for Robert Wilson, . . . . . 436

**MEDICINE.**

and attendance by :

Dr. William Davis, . . . . . 18, 80

on French and Indian prisoners, . . . . . 80

Dr. Thomas Bulfinch, . . . . . 18

Dr. George Pemberton, 30, 90, 169, 263, 333, 395,  
424, 515

Dr. Thomas Alden, . . . . . 37

Urian Augier, . . . . . 194, 214

Dr. Zabdiel Boylstone, . . . . . 232

Dr. Samuel Moody, . . . . . 249, 362

Dr. Joshua Wheat, . . . . . 422

John Matthews, . . . . . 430

allowance to Dr. George Jackson for, . . . . . 21

allowance for, . . . . . 280

allowance for, on soldier at fort at Richmond, . . . . . 450

for soldiers in Pigwacket fight, . . . . . 143, 239

**MEETING-HOUSES.**

at Framingham, . . . . . 23, 59, 68, 213

at Bridgewater, . . . . . 39, 474, 489, 528

at Duxborough, . . . . . 85



**MEETING HOUSES — continued.**

at Marshfield, . . . . .	85, 133
at Methuen, . . . . .	100, 141, 150, 195, 208
at Milton, . . . . .	176
at Woburn, . . . . .	193, 588, 631
at Hassamisco, . . . . .	240
each petitioner and the English families to pay a certain part for, . . . . .	240
in the South Town of Turkey Hills, . . . . .	281, 348
at Malden, . . . . .	290
at Taunton, . . . . .	284, 300
at Newbury, . . . . .	344
petition of Quakers to be exempt from taxes as to building a meeting-house in Uxbridge, . . . . .	361
illegal proceedings in town-meeting, Medford, as to seats in the new, . . . . .	401
to be built on Province lands laid out to John Richardson and others, . . . . .	416
tax for building a meeting-house at North Yar- mouth, . . . . .	421
at Rowley, . . . . .	477
at Kittery, . . . . .	484
at Mendon, . . . . .	525, 528
at Scituate, . . . . .	570, 589, 613, 616, 661, 731, 777
defaced, . . . . .	613
report of committee as to, . . . . .	777
repairs of, . . . . .	777
at Gloucester, . . . . .	572
in new precinct set off from Dedham and Stoughton, . . . . .	596
in northwest precinct of Woburn, . . . . .	653
to be built in the town on Ware River, . . . . .	656
in Dedham, . . . . .	701, 721, 761, 765, 797
at New Medfield, . . . . .	770
at Nottingham : land taxed for building, . . . . .	776
at the Elbows : land taxed for building, . . . . .	793

**MEHETABEL, the ship.**

piloted out, . . . . .	764
------------------------	-----

**MEMBERS.**

of the General Assembly : law book for the, . . . . .	37, 387
expenses of, in attending Lieut. Governor at the ratification, . . . . .	63
expense of summoning, of the House of Repre- sentatives, . . . . .	383

**MEMORIAL.**

allowance for paper and printing reports of Gov. Shute's, . . . . .	445
------------------------------------------------------------------------	-----

**MENTAL INCAPACITY. (See Insane, In-  
firm and Weak-minded Persons.)**

**MERCHANTS.**

Gyles Dyer, . . . . .	43
Francis Wilks, London, . . . . .	89
storage of powder belonging to, . . . . .	140, 409
Aaron Stuckey of Island of Fayal : claim of, as creditor to estate of Col. Gyles Dyer, 142	
William Clark, Boston, . . . . .	145
Andrew Faneuil, Boston, . . . . .	167
Andrew Trent, . . . . .	188
Benoni Waterman, . . . . .	188, 363
Philip Hedman, . . . . .	201
Timothy Prout, . . . . .	201
Henry Gibbons, . . . . .	201
John Powell, . . . . .	241
money received for storage of powder belonging to, . . . . .	302
John Lydins, Mount Royal, Canada, . . . . .	331
allowance to, for services, . . . . .	347

**MERCHANTS — continued.**

Capt. Benjamin Edwards, . . . . .	375
Thomas Daggett, . . . . .	375
Ebenezer Hough, . . . . .	375
Charles Hobby, . . . . .	481, 498
Lespinans, —, of Martinique, . . . . .	516
Leblong, —, of Martinique, . . . . .	516
William Campbell, . . . . .	565
Jacob Wendell, . . . . .	566
William Allen, Boston, . . . . .	600
John Allen, Boston, . . . . .	600
John Jeffries, Boston, . . . . .	672
Ebenezer Wentworth, Portsmouth, . . . . .	672
Benjamin Edwards, Boston, . . . . .	689
Samuel Sydebotham, London, . . . . .	685, 720
Thomas Wright, London, . . . . .	685, 720
Joseph Boiden Jemain, New York, . . . . .	690
Joseph Brandon, . . . . .	696, 741

**MERRY MEETING, the sloop (a transport).**

Capt. Thomas Saunders, master : goods for Indian trade to be put on, . . . . .	31
hire of, and wages due master and company according to muster-roll, . . . . .	31, 87

**MESSAGE.**

from Lieut. Governor, . . . . .	54
allowance for expense of a, to the Indians, . . . . .	499

**MESSENGERS.**

to go to Canada for captives, . . . . .	271
Capt. Joseph Kellogg : allowance to, for clothing, . . . . .	273
allowance to, for expenses of, and attendants to Canada, . . . . .	281
Indian : to their tribes, . . . . .	340

**MIDDLESEX COUNTY.**

treasurer's accounts of. ( <i>See County Treasurers.</i> )	
commissioners for letting out £100,000 loan. ( <i>See</i> Loan.)	
power to justices : to continue action as to meeting-house in Fram- ingham, . . . . .	59, 68
to hear and determine cause, . . . . .	59, 373
to grant license as innkeeper notwithstanding lapse of time, . . . . .	89, 235 bis, 370, 387, 426, 520, 534
to suspend an action of debt, . . . . .	267
to abate the county tax in Medford, . . . . .	602
justices to administer the oath to Thomas Moore as to hemp, . . . . .	205
lawful for justices : to grant license notwithstanding lapse of time, . . . . .	206
power to make partition of land in, . . . . .	283
courts of, adjourned, . . . . .	346, 362
renewal of license to William Willis, Medford, as retailer, . . . . .	361
two new towns in, . . . . .	440
western towns in, and Suffolk County for a new county, . . . . .	532

**MILITARY COMPANIES.**

constables and clerks of : employed to ascertain the houses infected with smallpox, . . . . .	458
-----------------------------------------------------------------------------------------------------	-----

**MILITARY OFFICERS. (See Master or  
Commander.)**

**MILITIA.**

entertainment of the officers of the, . . . . .	507
-------------------------------------------------	-----

**MILL-DAM.**

prevents fish from coming up Ipswich River, . . . . .	606
committee to view, on Ipswich River, . . . . .	609

**MILLER.**

John Warren, Boston, . . . . .	572
--------------------------------	-----

**MILLER — continued.**

Timothy Sprague, Malden, . . . . .	735
damage to, by laying out highway, . . . . .	735

**MINES.**

liberty to improve the, in this Province, except iron, 665

**MINISTER. (See Chaplain.)**

Rev. John Evelith, . . . . .	20, 101
Rev. Oliver Peabody, . . . . .	103, 364
Rev. John Elliot, . . . . .	149
Rev. Samuel Hunt, . . . . .	177
Rev. Daniel Greenleaf, . . . . .	187
Rev. Dr. Cotton Mather, . . . . .	195
Rev. Josiah Oaks, . . . . .	209, 210, 225
to be maintained at Hassanimesco for the Indians and their children free of charge to the Indians, . . . . .	240
at new precinct in Hadley, . . . . .	243
Rev. — Sparhawk, . . . . .	275
Rev. John Collins, . . . . .	282
lot for, . . . . . 325, 355, 416, 427, 656, 685, 696, 697, 701	
petition of Quakers to be exempt from taxes as to the support of the Presbyterian, . . . . .	361
Rev. Samuel Seabury, North Yarmouth, . . . . .	421
of the King's Chapel, Boston: gloves and rings for, . . . . .	431
Rev. Joseph Willard: killed by Indians, . . . . .	433
Rev. Joseph Bourne, . . . . .	488
Rev. — Wells, . . . . .	500
of the Church of England, . . . . .	512
Rev. David Parsons, . . . . .	551
at Plympton, . . . . .	583
Rev. Benjamin Kent, . . . . .	593
Rev. — Fessenden: petition to be freed from support of, . . . . .	595
Rev. — Tufts, . . . . .	627
further time allowed to settle a, at precinct on south side of Mt. Holyoke, . . . . .	668
Rev. — Cushman, . . . . .	676
Rev. John Fox, . . . . .	726
second parish of Woburn exempt from main- taining, . . . . .	729
Christopher Sergeant, at Methuen: land granted to, . . . . .	793

**MINISTERIAL RATES. (See Rates.)****MINISTRY.**

allowance for support of the:	
at Arundel, . . . . .	16, 146
at Biddeford, . . . . .	16, 145
at Brunswick, . . . . .	515
non-residents taxed for support of the:	
at Oxford, . . . . .	17
at Biddeford, . . . . .	411
at Rutland, . . . . .	687
land taxed for support of the:	
in Leicester, . . . . .	41, 230
in Rutland, . . . . .	237
unimproved, in Uxbridge belonging to non-resi- dents, . . . . .	204, 625
in new precinct on south side of Mt. Holyoke, . . . . .	351
in new precinct in Braintree, . . . . .	367
unimproved, in Lunenburg, . . . . .	372
unimproved, in North Town in Turkey Hills, . . . . .	374
in North Yarmouth, . . . . .	421
unimproved, in Oxford, . . . . .	428
belonging to Joseph Putney and others in Ox- ford, . . . . .	629
unimproved, in Hopkinton, . . . . .	436
in Lunenburg, . . . . .	627
unimproved, in Biddeford, . . . . .	607

**MINISTRY — continued.**

land taxed for support of the — *continued.*

in north part of Rutland, . . . . .	715
in Nottingham belonging to non-residents, . . . . .	776
at the Elbows, . . . . .	793
land granted for the, at Shewamet, . . . . .	44
at Methuen: land in the middle part set apart for the, . . . . .	100
at Dedham and Dorchester, . . . . .	102
at Bradford: east precinct to pay the west precinct its part for the support of the, . . . . .	165
inhabitants of west part of, to pay less taxes as to the, . . . . .	739
at Dartmouth, . . . . .	177
at Billings-gate in Eastham, . . . . .	209, 210, 225
petition to be released from the support of, in Billings-gate, . . . . .	757
report of committee as to the, in south part of Dedham, . . . . .	231
each petitioner and the English families at Has- sanimesco to pay a certain part for sup- port of the, . . . . .	240
at Taunton, . . . . .	300
at Tisbury, Martha's Vineyard: allowance for support of, . . . . .	311
lots for the, . . . . . 325, 355, 416, 673, 685, 696, 697, 701	
lot at Cambridge, . . . . .	664
Moses Curtis exempt from payment of taxes at Stoughton as to the, . . . . .	352
petition of Quakers in Uxbridge to be exempt from taxes as to the support of the, . . . . .	361
petition of inhabitants on Housatonic River as to the, . . . . .	462
maintenance of the, by certain persons:	
in Lancaster, . . . . .	593
in Groton, . . . . .	593
in Stow, . . . . .	593
at Newbury: petition for abatement of the rates, . . . . .	623
taxes to be collected for support of the, . . . . .	627
petition for the remission of half the rates as to the, in Springfield, west side of the Con- necticut River, . . . . .	632
land for the, in the town on Ware River, . . . . .	656
at Monument Lands, Plymouth, . . . . .	699
petition as to the, in Roxbury, . . . . .	719
at Woburn, . . . . .	726, 729
at Falmouth, . . . . .	732
new precinct, . . . . .	732

**MINORS.**

guardians of, . . . . .	19, 547, 604, 658, 659, 691, 775
guardians of, to sell land, . . . . .	126, 154, 227, 255, 586, 597, 642, 672, 715, 716, 732, 778
heirs of William Clark all, . . . . .	145
partition of land in favor of, . . . . .	283, 286
of Moses Printer, Indian: trustees to reserve the shares of, . . . . .	343
power to guardian to sell land of, revoked, . . . . .	370
sale of land belonging to, . . . . .	682

**MISSIONARY.**

for the Eastern Indians, . . . . .	92
Rev. Samuel Hunt, . . . . .	177
for the Indians, . . . . .	669

**MISTAKE OR IGNORANCE.**

as a ground of relief, . . . . .	33, 210, 282, 363, 496, 546, 569, 628, 679, 681, 690, 779
----------------------------------	--------------------------------------------------------------

**MODERATOR.**

Eleazer Tyng, for Dunstable, . . . . .	112
carried away warrant for calling a town-meeting, 112	

**MODERATOR** — *continued*.

Robert Swan, of Methuen, . . . . .	141, 150
James Davis, . . . . .	150
William Ward, . . . . .	427
David Melvin, . . . . .	431
Henry Rolfe, at Pennacook, . . . . .	559
John Huggins, lower town on Housatonic River, . . . . .	561, 640

to be appointed for new town :

above Northfield, . . . . .	704
near Rutland, . . . . .	704
on the Merrimac River, . . . . .	705

**MOHAWKS.**

allowance for expenses on the French, . . . . .	601
-------------------------------------------------	-----

**MOHAWK SQUAWS.**

expense of keeping, . . . . .	55
-------------------------------	----

**MOLASSES.**

percentage allowed for waste on, retailed, . . . . .	252
for trade with the Western Indians, . . . . .	330

**MOLLS** (jugs or bottles).

for Indian trade at Biddeford, . . . . .	241 note
------------------------------------------	----------

**MONEY.** (*See* Interest Money.)

advanced for victualling Castle William. ( <i>See</i> Castle William.)	
------------------------------------------------------------------------	--

products receivable as, in payment of taxes, . . . . .	170
--------------------------------------------------------	-----

laid out for provisions, etc., . . . . .	200
------------------------------------------	-----

advanced to build truck-house on Saco River, . . . . .	279
--------------------------------------------------------	-----

to defray expenses of messenger and attendants to	
---------------------------------------------------	--

Canada, . . . . .	281
-------------------	-----

received for storage of powder belonging to mer-	
--------------------------------------------------	--

chants, . . . . .	302
-------------------	-----

allowance to Col. John Schuyler for, taken up by	
--------------------------------------------------	--

Capt. Joseph Kellogg, . . . . .	331
---------------------------------	-----

**MOOSE SKINS.**

to be disposed of at the best advantage, . . . . .	392
----------------------------------------------------	-----

**MOREHAMPTON**, the ship.

John Moffat formerly master of, . . . . .	164
-------------------------------------------	-----

**MORTGAGE.**

redemption of, . . . . .	9, 482
--------------------------	--------

cancelling, on certain terms, . . . . .	107
-----------------------------------------	-----

power to sell personal estate to satisfy a, . . . . .	472
-------------------------------------------------------	-----

petition for relief from a, . . . . .	566
---------------------------------------	-----

chancering, . . . . .	585
-----------------------	-----

**MOURNING CLOTHES.**

allowance to the doorkeeper for, . . . . .	188
--------------------------------------------	-----

for the family and attendants of Gov. William	
-----------------------------------------------	--

Burnett, . . . . .	431
--------------------	-----

**MURDER.**

allowance for witnesses to attend a trial of an	
-------------------------------------------------	--

Indian for, . . . . .	32
-----------------------	----

allowance to Joseph Tapin and Joseph Ketow	
--------------------------------------------	--

(Indians) as witnesses against Joseph	
---------------------------------------	--

Quasson for, . . . . .	42
------------------------	----

of an Indian by an Indian, . . . . .	792
--------------------------------------	-----

**MUSTER-ROLLS.**

of sloop George, . . . . .	10
----------------------------	----

of Col. Eleazer Tyng's company, . . . . .	15
-------------------------------------------	----

of garrison at Castle William, 19, 81, 161, 229, 318, 380,	
------------------------------------------------------------	--

409, 448, 497, 533, 571	
-------------------------	--

of the scout under Lieut. William Brentnall, . . . . .	20
--------------------------------------------------------	----

of Capt. Jeremiah Moulton's company, . . . . .	20
------------------------------------------------	----

of Lieut. Allison Brown's company, . . . . .	20
----------------------------------------------	----

of Capt. Josiah Willard's company, . . . . .	24
----------------------------------------------	----

**MUSTER-ROLLS** — *continued*.

of garrison at Fort George, 24, 26, 114, 183, 248, 329,	
---------------------------------------------------------	--

329, 410, 513	
---------------	--

of garrison at blockhouse at St. George's River, 25, 30,	
----------------------------------------------------------	--

76, 199, 245, 338, 386, 414	
-----------------------------	--

of garrison at Maquoit, . . . . .	26, 114
-----------------------------------	---------

of the scout in Hadley under Capt. Samuel Bar-	
------------------------------------------------	--

nard, . . . . .	29
-----------------	----

of garrison at Fort Dummer, . . . . .	29, 152, 424
---------------------------------------	--------------

of sloop Merry Meeting, . . . . .	31, 87
-----------------------------------	--------

of Capt. Peter Oliver's company, . . . . .	38
--------------------------------------------	----

of soldiers under Lieut. Moses Markham, . . . . .	38
---------------------------------------------------	----

of Capt. Samuel Wright's company, . . . . .	49
---------------------------------------------	----

of sloop Loyal Heart, . . . . .	60
---------------------------------	----

of Sergt. James Parker's company, . . . . .	60, 71
---------------------------------------------	--------

of Capt. John Penhallow's company, . . . . .	61, 174
----------------------------------------------	---------

of sloop Dragon, . . . . .	61
----------------------------	----

of sloop Susannah, . . . . .	61
------------------------------	----

of Capt. Joseph Heath's company, . . . . .	62
--------------------------------------------	----

of the guard attending Lieut. Governor under	
----------------------------------------------	--

Capt. Edward Winslow, . . . . .	64
---------------------------------	----

of garrison under Ensign Moses Markham, . . . . .	72
---------------------------------------------------	----

of Lieut. Col. Johnson Harman's company, . . . . .	75
----------------------------------------------------	----

of Col. Johnson Harman's company (volunteers), 190	
----------------------------------------------------	--

of Capt. John Gray's company, . . . . .	81, 123
-----------------------------------------	---------

of Capt. Joshua Moody's company, . . . . .	82
--------------------------------------------	----

of Col. Thomas Westbrook's company, . . . . .	83
-----------------------------------------------	----

of Capt. Joseph White's company, . . . . .	85
--------------------------------------------	----

of garrison at fort at Richmond, 90, 194, 244, 319, 381,	
----------------------------------------------------------	--

414, 450, 492, 512	
--------------------	--

of Capt. Samuel Jordan's company, . . . . .	95
---------------------------------------------	----

of Capt. Samuel Wheelwright's company, . . . . .	98
--------------------------------------------------	----

of garrison at Fort Mary, 101, 139, 175, 268, 341, 400,	
---------------------------------------------------------	--

460, 509	
----------	--

of garrison at blockhouse above Northfield, . . . . .	106, 396
-------------------------------------------------------	----------

of Capt. Ephraim Morton's company, . . . . .	106
----------------------------------------------	-----

of sloop Endeavor, . . . . .	179, 257, 336, 386, 432, 494, 513
------------------------------	-----------------------------------

of Capt. Richard Bourne's company (Indians), . . . . .	191
--------------------------------------------------------	-----

of guard under Lieut. John Robbins, . . . . .	198
-----------------------------------------------	-----

of sloop Greyhound, . . . . .	222
-------------------------------	-----

of Lieut. Timothy Child's company, . . . . .	333
----------------------------------------------	-----

of Lieut. John Pomeroy's company, . . . . .	337, 383
---------------------------------------------	----------

of garrison at truck-house, Saco River, . . . . .	429, 457, 507
---------------------------------------------------	---------------

of garrison at truck-house, St. George's River, . . . . .	495
-----------------------------------------------------------	-----

of garrison at truck-house above Northfield, . . . . .	501
--------------------------------------------------------	-----

prosecution for false, . . . . .	27
----------------------------------	----

expense of, . . . . .	137
-----------------------	-----

bills of credit emitted for defraying expenses	
------------------------------------------------	--

of, . . . . .	34, 91, 170, 264, 321, 363, 435
---------------	---------------------------------

wages of Dr. Alexander Bulman omitted on,	
-------------------------------------------	--

allowed, . . . . .	86
--------------------	----

wages of Daniel Dwight, chaplain, omitted on,	
-----------------------------------------------	--

allowed, . . . . .	97
--------------------	----

wages of soldiers omitted on, allowed, . . . . .	97, 115, 206
--------------------------------------------------	--------------

error in, of Capt. Samuel Wright as to subsistence, 87	
--------------------------------------------------------	--

wages of sentinels omitted on, allowed, . . . . .	114, 174
---------------------------------------------------	----------

wages of soldiers overpaid on, to be stopped on	
-------------------------------------------------	--

the next muster-roll, . . . . .	162
---------------------------------	-----

wages of corporal omitted on, . . . . .	196
-----------------------------------------	-----

pay of soldiers at Fort George to be raised on next, 585	
----------------------------------------------------------	--

negro servant at Castle William to be listed in, . . . . .	792
------------------------------------------------------------	-----

**MUTTON.**

purchased for the Lieut. Governor and others, . . . . .	196
---------------------------------------------------------	-----

## N.

**NANTUCKET COUNTY.**

justices of:

power to, inferior court to hear and try the cause, 247

**NANTUCKET INDIANS.** (*See* Indians.)**NANTUCKET, ISLAND OF.**

deed of gift in, . . . . . 320

**NARRAGANSETT SOLDIERS.**

to receive land for services, . . . . . 325

confirmation of land for towns for, 375 *bis*, 739, 770,  
771, 772, 785

allowance for laying out land for, . . . . . 379, 393

list of, to be taken by the committee, . . . . . 395

list of, as claimers to land, . . . . . 460

as grantees to meet the next fall session, . . . . . 472

South Town laid out for, to be in the new county, 532

more land granted for services, . . . . . 654, 673

two names added to the list of, . . . . . 634

committee as to settling towns granted, . . . . . 796

claims of, referred to next May session, . . . . . 796

grantees to settle disputes as to claims of heirs, . . . . . 796

**NARRAGANSETT WAR.** (*See* War.)**NATICOOK.** (*See* Brenton's Farm.)**NAVAL OFFICERS.** (*See* Master or Commander.)**NEGRO BOY.**

named London, duty remitted on, . . . . . 227

**NEGROES.**

none to be enlisted or retained at Castle William, 88, 573

transportation of negro named Pompey, . . . . . 164

remission of impost on, . . . . . 188, 208

**NEGRO SERVICE,** . . . . . 754, 792**NEGRO SLAVES.**

on sloop Martha, . . . . . 188

duty on two, deceased, refunded, . . . . . 188

**NEW HAMPSHIRE.**boundary between Massachusetts and, 52, 108, 268, 296,  
584, 610, 617 *bis*, 620, 733, 724government of, to remit to Massachusetts its part  
of the charges of the commissioners to St.

George's, . . . . . 346

commissioners of Massachusetts to meet commis-  
sioners of, as to the boundary, . . . . . 396appointment of commissioners to settle boundary  
between Massachusetts and, . . . . . 517**NEWSPAPERS.**notice as to meeting of grantees of the Narragan-  
sett towns in, only, . . . . . 472**NEW TRIAL.** (*See* Appeal or New Trial.)**NEW YORK.**

boundary between Massachusetts and, 12, 198, 562, 685

majority of commissioners as to the boundary be-  
tween Massachusetts and, to constitute a  
quorum, . . . . . 565**NIPMUCK COUNTRY.**

laying out of unappropriated land in, . . . . . 256

land granted in the, to soldiers in the Indian  
war, . . . . . 325**NON-RESIDENTS.**

tax levied upon:

of Oxford, . . . . . 17

of Leicester, . . . . . 41

of Uxbridge, . . . . . 394

of Biddeford, . . . . . 411

of Rutland, . . . . . 657

of Nottingham, . . . . . 776

**NORRIDGEWOCK.**

Indian soldier wounded at, . . . . . 39

**NORRIDGEWOCK INDIANS.** (*See* In-  
dians.)**NOTICE, ORDER OF** (*See* Hearings, Orderof, . . . 9, 31, 32, 39, 44 *bis*, 59 *bis*, 68, 69, 75, 83,  
87, 102, 193, 120, 125 *bis*, 126, 127, 136, 137, 139,  
141, 143, 158, 164, 165, 167, 168, 175, 187, 188,  
189 *bis*, 193, 209, 210 *bis*, 212, 230, 247, 253, 255,  
257, 261, 263, 272, 275, 284, 285 *bis*, 291, 312, 324,  
326, 329, 333, 335, 344, 345, 374, 390, 394, 396, 398,  
388, 394, 397, 400, 417, 423, 424, 429, 432, 433, 437,  
438, 453 *bis*, 454 *ter*, 455, 459 *bis*, 474, 475, 476,  
477, 481 *bis*, 482 *bis*, 488, 493, 496, 497, 498 *bis*,  
499, 500, 502, 503, 506, 512, 516 *bis*, 519 *bis*, 522,  
524, 525 *ter*, 530, 535, 541 *bis*, 542, 543, 544 *ter*,  
545 *bis*, 546 *ter*, 547 *ter*, 548, 551 *bis*, 553, 556,  
557, 559, 560, 563, 565, 566 *bis*, 567, 569 *ter*,  
570 *bis*, 571, 572, 582 *bis*, 583, 585, 588, 589, 592,  
595, 599, 604, 606 *bis*, 613, 615, 621, 622, 623, 629,  
632, 633, 636, 639, 652, 654, 664, 668, 681, 682, 692,  
693, 696, 699, 701 *bis*, 702, 717, 719, 720, 721, 722,  
725, 726 *bis*, 727, 730, 735, 736, 739, 741 *bis*, 745,  
750, 751, 754, 757, 760 *bis*, 761, 765, 767, 768, 773,  
774, 775, 776, 777, 779, 781, 784, 786, 788, 790 *bis*,  
794, 798

mistake as to serving, . . . . . 459

**NOVA SCOTIA.**

vessels from, free from duty of tonnage, . . . . . 628

## O.

**OARS.**

for whale-boat, . . . . . 26, 114, 183

allowance for, . . . . . 497

**OATS.**

receivable in payment of taxes, . . . . . 170

**OFFICERS.** (*See* Clerks, Constables, Door-  
keeper, Sheriffs.)

prosecution for resisting an officer, . . . . . 613

arrest and fines of, for serving process in Gore of  
Attleborough, . . . . . 773

indemnification of, for serving process, . . . . . 773

imprisonment of, for serving process, . . . . . 786

services of Edward Shove for, arrested in Gore of  
Attleborough, . . . . . 798**OIL.**

receivable in payment of taxes, . . . . . 170

**ORE.**one-eighth of the, to be rendered to the Treas-  
urer, . . . . . 665**ORPHANS.**

petition of guardians of, to sell land, . . . . . 255

**OVERSEERS.**

for the Indians:

to care for their interests in Chebaque-  
dock, . . . . . 75

Justice Fulham, . . . . . 390

of Harvard College:

construction of an act of 1642 relating to, . . . . . 262

**OVERSEERS — continued.**

- of the poor in Boston :
- to assist in the sale of land, . . . . . 491

**OXEN.**

- employed, . . . . . 91
- killed by Indians, . . . . . 316
- allowance for, . . . . . 316

**OXEN — continued.**

- purchase of, for fort at St. George's River, . . . 596
- purchase of, for fort at Richmond, . . . . . 596

**OYSTER ISLAND.**

- power to proprietors of, to sell it for payment of debts and support, . . . . . 260

**P.**

**PACKAGE.**

- allowance for express of a, . . . . . 392

**PACKET. (See Package.)**

**PALATINES.**

- from Holland, distressed, . . . . . 631
- in prison to answer suits, . . . . . 671
- actions by, for false imprisonment, . . . 671
- allowance to William Shirley, attorney to, . . 778
- support of, in Edgartown, . . . . . 784

**PALL-BEARERS.**

- gloves and rings for, . . . . . 431
- appointment of, for Governor's funeral, . . 431

**PAPER. (See Paper and Printing.)**

- allowance for, for Council Chamber and House of Representatives, . . . . . 93
- allowance for, for Secretary's office, . . . . 99

**PAPER AND PRINTING.**

- allowance for :
- the acts, etc., . . . . . 11
- votes of the House of Representatives, . . 11, 77, 146, 267, 314, 380, 411, 461, 492, 529
- Rev. Peter Thatcher's election sermon, . . . 58
- Rev. Mr. Baxter's election sermon, . . . . 163
- proclamations, etc., . . . . . 185, 314
- copies of the conference between the Lieut. Governor and the Eastern Indians, . . . 198
- Rev. Joseph Sewell and Rev. Thomas Prince's sermons, . . . . . 213
- Rev. Mr. Foxcroft's sermon, . . . . . 263
- Rev. Mr. Breck's election sermon, . . . . 332
- for the government, . . . . . 411, 492
- Rev. Mr. Wise's election sermon, . . . . . 421
- the proceedings of the General Assembly, . . 445
- reports of Gov. Shute's memorial, . . . . 445
- for the House of Representatives, . . . . 475

**PARSONAGE LANDS.**

- petition of inhabitants of west precinct in Amesbury as to, . . . . . 500

**PARTITION OF LAND.**

- petition of heirs of Richard Middlecot for, . 120, 207
- petition of Josiah and Hannah Willard for, . 145
- power to execute a deed of, . . . . . 156
- petition of Joshua Wroe and Jonathan Williams for, . . . . . 161
- petition of Thomas and Ann Lechmere as to, . 265
- power to make, in Middlesex County, . . . . 283
- petition of Elisabeth Lindsay and others for, . 286
- petition for, belonging to Joseph and Malachi Halloway, . . . . . 679

**PEACE. (See Treaty.)**

**PEASE.**

- receivable in payment of taxes, . . . . . 170
- for Indian trade at Biddeford, . . . . . 241 note

**PEGASUS, the schooner.**

- fish shipped on, . . . . . 696

**PELTREY.**

- remitted by truck-masters and sold, . . . . 70
- received for the Province from Edmund Mountforth and Capt. Joseph Heath, . . . . . 155

**PELTREY — continued.**

- trade in, with the Indians, . . . . . 266, 319
- to be disposed of according to order of the court, . . . . . 330

**PEMAQUID.**

- subsisting prisoners taken at, . . . . . 551
- establishment of a fort at, . . . . . 759

**PENNY FERRY. (See Ferry.)**

**PENOBSCOT INDIANS. (See Indians.)**

**PENSION.**

- to Josiah Johnson for three years, . . . . . 592

**PERIWIG. (See Wig.)**

**PHYSICIANS AND SURGEONS.**

- Dr. William Davis, . . . . . 18, 80
- Dr. Thomas Bulfinch, . . . . . 18
- Dr. George Jackson, . . . . . 21, 154
- allowance to :
- for raising men and fitting out a vessel, . . 21
- for medicines, etc., . . . . . 21, 154
- for loss of time, . . . . . 21
- Dr. Joseph Peirce, . . . . . 28
- Dr. George Pemberton, . . 30, 90, 263, 333, 393, 424, 515
- Dr. Thomas Alden, . . . . . 37
- Dr. Alexander Bulman, . . . . . 42, 86
- Dr. William Brattle, . . . . . 80
- Dr. Ebenezer Allen, surgeon for the soldiers, . 83, 93
- Dr. Zabdiel Boylstone, . . . . . 125, 232
- Dr. John Kitteridge, . . . . . 143
- Urian Angier, . . . . . 214
- Dr. Thomas Berry, . . . . . 215
- Dr. Samuel Moody, . . . . . 249, 362
- Dr. Robert Ellis, . . . . . 274
- Dr. Henry Blaisdell, . . . . . 280
- Dr. Robert Gibbs of Providence, . . . . . 368
- Dr. Francis Gathman :
- allowance to, for services as witness, . . . 415
- Dr. Joshua Wheat, . . . . . 422
- gloves and rings for, . . . . . 431
- pay of, . . . . . 531
- for soldier injured at Fort George, . . . . 720

**PICKWACKET. (See Pigwacket.)**

**PIGWACKET.**

- soldiers wounded at :
- allowance to Noah Johnson, . . . . . 24, 78, 143
- allowance to Josiah Johnson, . . 36, 124, 166, 259, 351, 459, 592
- allowance to Timothy Richardson, . . . . 93, 786
- and died, . . . . . 96
- physicians and surgeons for :
- allowance to Dr. Joseph Peirce, . . . . . 28
- medical services for allowance for, . . 24, 28, 36, 124, 143, 259

soldier killed at :

- allowance to Hannah Lovewell, widow, to pay debts of husband, . . . . . 17
- allowance to widow of, for support, . . . 353
- land granted to volunteers for services at, . 355, 434
- pension :
- to Josiah Johnson for three years, . . . . 592

**PILOTS.**

Capt. Cyprian Southack :	
allowance to, for services, . . . . .	64, 186
John Stackpole :	
allowance to, for services, . . . . .	229

**PIPES.**

for Indian trade at Biddeford, . . . . .	241 note
------------------------------------------	----------

**PIRACY.**

subsisting George Condict, condemned for, . . . . .	78, 143
convicted of, . . . . .	84
men arrested upon suspicion of, . . . . .	137
expense of attending trial of, allowed, . . . . .	137
witness in a case of, . . . . .	415
Capt. Quelch and others condemned for, . . . . .	415

**PIRATES.**

sloop Loyal Heart fitted out against, . . . . .	60
allowance for hire of sloop in service against the, . . . . .	64
volunteer against the, injured, . . . . .	67
sloop Tryal taken by, . . . . .	84
master and others on sloop Tryal overpowered the, . . . . .	94
brought to Boston, delivered up to justice, . . . . .	84
expense of attending the trial of, allowed, . . . . .	137

**PITCH.**

receivable in payment of taxes, . . . . .	170
-------------------------------------------	-----

**PLANK.**

for repairs at Fort George, . . . . .	111
---------------------------------------	-----

**PLATE.**

new, of a scroll for bills of credit, . . . . .	335
-------------------------------------------------	-----

**PLEA.**

struck out by order of the court, . . . . .	396
---------------------------------------------	-----

**PLYMOUTH COUNTY.**

commissioners for letting out £100,000 loan. ( <i>See</i> Loan.)	
treasurer's accounts of. ( <i>See</i> County Treasurers.)	
courts of, adjourned, . . . . .	147
petition of John Cowing referred to justices of superior court of, . . . . .	386
justices of :	
power to :	
inferior court to make up judgment as to referees' award, . . . . .	125
inferior court to hear and try the appeal, . . . . .	148
superior court to hear and try the case, . . . . .	187, 766
inferior court to make up judgment in accordance with an award, . . . . .	247
to administer the oath to poor prisoners in debt, . . . . .	456
to prove payments on mortgage, . . . . .	585

**POCASSET PURCHASE.**

share of land in the, to Samuel Cook, . . . . .	335
-------------------------------------------------	-----

**POOR DEBTOR'S OATH.**

justices of Plymouth County to administer the, . . . . .	456
----------------------------------------------------------	-----

**PORT ROYAL EXPEDITION.**

allowance to soldiers wounded in, . . . . .	36, 68
Thomas White wounded :	
allowance to, for loss of time and medical services, . . . . .	124

**POST.**

allowance for service in going, . . . . .	17
-------------------------------------------	----

**POSTMASTER.**

Henry Marshall, of Boston, . . . . .	254
--------------------------------------	-----

**POTTER.**

Joseph Gardner, . . . . .	555
---------------------------	-----

**POWDER.**

exempt from paying, duty, . . . . .	122
storage of the merchants', . . . . .	140, 302
for Indian trade at Biddeford, . . . . .	241 note
for Indian chiefs, . . . . .	289
credit for storage of, . . . . .	495

**POWDER—continued.**

for Fort George, . . . . .	595
present of, to the Eastern Indians, . . . . .	600
allowance for, lost, . . . . .	601

**POWDER-HORN.**

blowing up of, injured a soldier, . . . . .	39
---------------------------------------------	----

**POWDER HOUSE.**

Daniel Powning, keeper :	
allowance to, for watchmen's wages, etc., . . . . .	10, 140, 302, 409, 495
power to, to build steps for the, . . . . .	389
power to, as to watchmen's wages, . . . . .	478

**POWDER MONEY.**

demand by impost officer, . . . . .	122
-------------------------------------	-----

**POWER. (*See* Appeal or New Trial, Justices, Land.)**

to tax non-residents :	
of Oxford, . . . . .	17
of Leicester, . . . . .	41
of Uxbridge, . . . . .	304, 625
of Biddeford, . . . . .	411
of Rutland, . . . . .	687
of Nottingham, . . . . .	776
to contest the validity of a rule of court, . . . . .	33
to bring forward a writ of ejectment, . . . . .	33, 47
to Treasurer to emit bills of credit, . . . . .	34, 91, 170, 264, 321, 363, 435
to call town or precinct meetings, . . . . .	41, 42, 101, 171, 179, 185, 307, 314, 336, 352, 368, 438, 490, 493, 505, 516, 518, 548, 561, 570, 622, 636, 640, 651, 663 <i>bis</i> , 692, 695, 697, 704 <i>bis</i> , 705, 747, 788

**to assess a tax on land :**

in Leicester, . . . . .	41, 230
in Rutland, . . . . .	237
in Braintree, . . . . .	367
in Oxford, . . . . .	428
in Hopkinton, . . . . .	436, 449
in lower town of Housatonic River, . . . . .	521
in Lunenburg, . . . . .	627
in Townsend, . . . . .	683
in Dudley, . . . . .	690
at the Elbows, . . . . .	793
to sell land, . . . . .	43, 74, 82, 96, 97, 105, 112, 126, 154, 156, 161, 177, 227, 250, 255, 260, 270, 272, 274, 310 <i>bis</i> , 311, 317, 323, 348, 360, 367, 376, 377, 388, 415, 446, 449, 452 <i>bis</i> , 453, 454, 457, 487, 491, 501, 503, 510, 519, 550, 558, 586, 597, 602, 625, 634 <i>bis</i> , 642, 658, 659, 662, 665, 672, 679, 682, 683, 691, 715, 716, 731, 732, 751, 753, 765, 777, 778, 794, 798

for support, . . . . .	43, 388, 680
to pay brother's debts, . . . . .	74
for support of widow, . . . . .	82
to pay debts and for benefit of children, . . . . .	96, 161, 270, 678

to pay debts contracted by law suits and expense of sickness and funeral of wife, . . . . .	97
belonging to minors, . . . . .	126, 154, 227, 586, 597, 691, 715, 716, 732, 778, 798
for benefit of widow and children, . . . . .	156, 270, 642, 659, 662, 665, 683, 716
to pay husband's debts, . . . . .	177, 250, 496, 510, 565, 658
for benefit of children, . . . . .	255, 274, 323, 691
for payment of debts, . . . . .	250, 260, 272, 367, 377, 415, 446, 452, 433, 487, 501, 503, 519, 550, 558, 586, 634 <i>bis</i> , 658, 716, 731, 765
mortgaged, for support of children, . . . . .	274
belonging to Roxbury Free School, . . . . .	310
mortgaged, . . . . .	367
revoked, . . . . .	370
to pay sickness expenses, . . . . .	602

**POWER — continued.**

to sell land — <i>continued.</i>	
bequeathed to Harvard College, . . . . .	751, 777
for education of son, . . . . .	753
to settlers at Pennacook to make their settlements	
on west side of the Merrimac River, . . . . .	48
to grant or renew licenses. (See Justices.)	
to executors or administrators:	
to sell land, . . . . .	74, 82, 156, 161, 250, 270, 272, 377, 487, 503, 510, 558, 565, 634, 655, 665, 678, 682, 683, 691, 716, 765, 794
to execute a deed of partition, . . . . .	156, 429
to take a reconveyance of land, . . . . .	177
to execute deeds, . . . . .	349, 428, 487, 585, 679
to reconvey land, . . . . .	375
as to victualling the garrison at Castle William, 89, 442	
to commence an action for recovery of land, . . . . .	103, 320
to sell land recovered, . . . . .	103
to trustees of £50,000 loan to cancel mortgage on certain terms, . . . . .	107
to Treasurer to take Capt. Timothy Dwight's bond, 110	
to provide timber, etc., for repairs, . . . . .	111
to Capt. Benjamin Warren to see justice done to the Indians as to the sale of land, . . . . .	112
to Peletiah West to receive money from the petitioners to pay the committee for services, 117	
to file claim after expiration of time limited, . . . . .	142
to make partition of lands, . . . . .	145, 207, 286, 695
to John Quincy to act as guardian for the Indians at Puncapaug, . . . . .	147
to put bond in suit anew, . . . . .	148
to survey and lay out land in this Province, . . . . .	151, 223, 530, 554, 574, 633, 681, 723, 745, 767, 793, 795
to survey and lay out land in county of York, . . . . .	163
to Capt. Joseph Heath to distribute provisions to the Indians, . . . . .	152
to Elisabeth Wood to execute a deed of partition, 156	
to judge of probate, Suffolk County, to appoint freeholders to divide the estate, . . . . .	161
to judge of probate, Essex County, to appoint a committee to make division of estate of John Breed, . . . . .	425
to Col. Johnson Harman to lay out land in York County, . . . . .	172
to take a reconveyance of land, . . . . .	177
to sell goods of the Province at Albany, . . . . .	180
to enter an appeal from a judgment, . . . . .	187
to treat with the masters of Indian children to be exchanged, . . . . .	192
by writ of review to contest an account, . . . . .	201, 250, 258, 326
to make necessary repairs at the blockhouse, . . . . .	204
to Treasurer to send to England for weights and measures, . . . . .	205
to freeholders of Boston to lay out land, . . . . .	207
to file a complaint for confirming a judgment, 210, 282, 551, 585, 727	
as to care of estate of Elisabeth Wakefield, . . . . .	228
to Treasurer to exchange ten shilling bills of credit, 238	
to enter an action, . . . . .	252, 313, 373, 516, 628, 688, 690, 694, 698, 733, 734
to committee to survey duck or canvas, . . . . .	260
to lay out land in Hampshire County, . . . . .	262, 305, 715, 719, 735
to build a truck-house on Saco River, . . . . .	279
to committee to apply to Connecticut as to confirmation of land, etc., . . . . .	282
to trustees for Indians of Hassanimesco to pay interest money for their support, . . . . .	283
to make partition of land in Middlesex County, . . . . .	283

**POWER — continued.**

to survey and lay out land in the Nipmuck country, 286	
to Province Treasurer to pay the premium for linen to the treasurer of Bristol County, . . . . .	290
to committee to lay out land in Watertown and Weston, . . . . .	305
to John Chandler as to confirmation of land to John Collins, . . . . .	306
as to repairs at Castle William, . . . . .	313
to execute deeds, . . . . .	322, 349, 428, 429, 524, 588
to erect buildings on Spectacle Island, . . . . .	324
to survey and lay out land for soldiers who served in the Narragansett war, . . . . .	325
to obtain confirmation of land from Connecticut, . . . . .	327
to committee to get a new plate of a scroll for bills of credit, . . . . .	335
to Capt. Benjamin Larrabee to make repairs at Fort George, . . . . .	342
to trustees of Hassanimesco Indians to prevent trespassing, . . . . .	343
to committee to provide for the Governor's table, . . . . .	352
to proprietors of Pennacook to extend bounds, . . . . .	354
to Indian to exchange land, . . . . .	358, 458
to build house at Richmond for trade with the Eastern Indians, . . . . .	371
to re-enter an action, . . . . .	373, 680, 685, 720
to reconvey land, . . . . .	375, 609
to committee to prosecute trespassers, . . . . .	385
to obtain stone and build steps for the powder-house, . . . . .	389
to constable of Rehoboth to attend the directions of the law, . . . . .	395
to selectmen of Medford to regulate the vote for the choice of the moderator, . . . . .	401
to Josiah Kingsbury to survey and purchase Province land near his farm, . . . . .	412
to committee to set off to the grantees the Province lands adjacent to Brenton's Farm, . . . . .	416
to the grantees to choose a committee to manage the affairs, . . . . .	416
as to managing affairs at Brimfield, . . . . .	417
to collect taxes in North Yarmouth for support of the ministry, etc., . . . . .	421, 509
to renew boundary, . . . . .	423
to prevent the use of more Indian land than is necessary for the grist-mill, . . . . .	425
to appoint a committee to divide an estate, . . . . .	425
to William Ward to assemble the grantees, . . . . .	427
to levy a tax at Pennacook, . . . . .	430
to the clerk of the court of common pleas for Bristol County to issue an execution, . . . . .	432
to run the boundary of Braintree, . . . . .	433
to survey and lay out Province land for children of Rev. Joseph Willard, . . . . .	433
to David Melvin to call first meeting of the settlement granted to volunteers at Pigwacket, 434	
to Capt. Thomas Smith to finish truck-house on Saco River, . . . . .	464
to rebuild bridge over Swan Pond Creek, . . . . .	464
to sell personal estate to satisfy a mortgage, . . . . .	472
to keeper of powder-house as to watchmen's wages, . . . . .	478
to sell the iron from the old Pawtucket bridge, . . . . .	490
to committee to assess and levy a tax in Brimfield, 511	
to committee to appoint collectors, . . . . .	511
to Gov. Jonathan Belcher to lay out land, . . . . .	515
to settle boundary between Massachusetts and New Hampshire, . . . . .	517
to John French and Henry Joslyn to collect taxes at Attleborough, . . . . .	523

**POWER — continued.**

to the legal representatives of William Perkins to lay out land, . . . . .	548
to committee to demand possession of the land near Bridgewater, . . . . .	552
to collector in North Town of Turkey Hills to collect assessments, . . . . .	562
to judge of probate to order a new division of land near Biddeford, . . . . .	590
to release from debt conditionally, . . . . .	587
to commit Job Bartlett and others to jail, . . . . .	607
to Hannah Lovell to prosecute action in the name of her husband as to debts, . . . . .	608
to have assistance of attorneys, . . . . .	613
to collect the ministerial tax from certain families in Newbury, . . . . .	627
to grantees in Brimfield to determine which sons shall hold the land, . . . . .	630
petition for, to tax non-residents on the east side of the Merrimac River for support of the ministry, . . . . .	661
to assessors of Biddeford as to taxes, . . . . .	667
to hear the causes of the Palatines, . . . . .	671
to committee to lay out land for the Narragansett soldiers, . . . . .	673
to assessors of Lancaster, Groton and Stow, . . . . .	678
to committee to renew boundary between Massachusetts and Rhode Island, . . . . .	687
to serve writ of review upon Edward Tothill and Michael Asher, attorneys to Joseph Boiden Jemain, . . . . .	690
to survey land on west side of the Connecticut River, . . . . .	696
to tax land in the north part of Rutland, . . . . .	715
to committee as to settlement of upper town in Housatonic, . . . . .	728
to trustees of Titticut Indians to prosecute trespassers, . . . . .	730
to selectmen of Boston to choose collectors of taxes, . . . . .	736
to committee to print bills of credit, . . . . .	737
to Treasurer to exchange torn and defaced bills of credit, . . . . .	738
to appeal from a sentence, . . . . .	741, 745
to trustees of Samuel Oupatawenuam of Natick to put money at interest, . . . . .	753
to continue writ of review, . . . . .	759
to serve writ of review upon John Anderson, . . . . .	760
to commissioner of impost to furnish a boat for the lighthouse, . . . . .	763
to proprietors of New Medfield as to assessments and collectors, . . . . .	770
to apprehend Rhode Island officers exercising authority in Attleborough, . . . . .	782
to judge of probate, Suffolk County, as to the will of Joseph Bass, . . . . .	784
to committee as to laying out the new towns into lots, . . . . .	787
to lay out land for support of a school in Duxbury, . . . . .	789

**PRECINCT MEETING.**

power to committee to warn a, in Sudbury, . . . . .	42
power to call first, in new precinct in Haverhill, . . . . .	368
power to call first, in Woburn, . . . . .	490, 518
power to call first, in precinct set off from Dedham and Stoughton, . . . . .	516
power to call a, in Brimfield, . . . . .	548
power to call a, in Rowley, . . . . .	622
power to call a, in new precinct in York, . . . . .	636

**PRECINCTS.** (*See Towns.*)**PREMIUMS.**

bills of credit emitted for payment of, . . . . .	34, 91, 170, 264, 321, 363, 435
allowed for raising hemp, . . . . .	37
for linen, to be paid to treasurer of Bristol County, . . . . .	290
treasurer of Hampshire County to be reimbursed for, paid on linen, . . . . .	322

**PRESBYTERIAN OR INDEPENDENT MINISTERS.**

at Uxbridge:	
petition of Quakers to be exempt from taxes as to the support of, . . . . .	361

**PRESENTS.**

to the Indians, . . . . .	58, 171
to the Indian chiefs, . . . . .	289
for the Indians in provisions, etc., . . . . .	392
for the Indian sachems, . . . . .	415
allowance to Capt. Benjamin Larrabee for, made to Indians, . . . . .	513
for the Eastern Indians, . . . . .	519, 600
for delegates from the Eastern Indians, . . . . .	614

**PRESIDENT AND FELLOWS OF HARVARD COLLEGE.** (*See Harvard College.*)**PRESIDENT OF HARVARD COLLEGE.**

Rev. Benjamin Wadsworth:	
allowance to, . . . . .	49, 182, 328, 442, 477, 746
Rev. John Leverett, died in debt, . . . . .	86
allowance to children and heirs of, . . . . .	86

**PRINTER.**

Bartholemew Green, . . . . .	11 bis, 77, 146
Samuel Kneeland, . . . . .	11, 77, 146, 198
Daniel Henchman, . . . . .	213

**PRINTING.** (*See Paper and Printing.*)**PRISON.** (*See Jail.*)**PRISONERS.**

French and Indian:	
medicine and attendance on, . . . . .	80
in Canada:	
James Knapp taken prisoner by the Indians, . . . . .	305
money supplied for purchasing, . . . . .	331
William Vinning prisoner for non-payment of bond, . . . . .	351
Francis Gathman taken prisoner by the French, . . . . .	415
Benjamin Muzzy taken prisoner by the Indians, . . . . .	447
for debt, . . . . .	456
subsisting, taken at Pemaquid, . . . . .	551
bail for Attleborough, . . . . .	605
in jail in Boston to give bail, . . . . .	608
Indian, in jail at Springfield, . . . . .	792

**PRIVILEGE.**

of members of Legislature, breach of, . . . . .	750
-------------------------------------------------	-----

**PROBATE.**

judge of, Suffolk County:	
power to, to receive claim of Peter Luce, attorney to Aaron Stuckey, creditor to estate of Capt. Gyles Dyer, . . . . .	142
John Wroe and Jonathan Williams to account to, for sale of land, . . . . .	161
power to, to appoint freeholders to divide the estate, . . . . .	161
power to, to examine all persons as to the will of Joseph Bass, . . . . .	784
judge of, Essex County:	
security to be given by Rachel Whitten to, . . . . .	250
power to, to appoint a committee to make division of estate of John Breed, . . . . .	425
judge of, York County:	
power to, to order a new division of land, . . . . .	580



**PROCESS.**

substituted, . . . . .	600, 690, 694, 702, 783, 791
arrest of officers for serving, in Gore of Attleborough, . . . . .	755
indemnification of officers for serving, . . . . .	773
avoiding, by keeping out of the Province, . . . . .	783
officers imprisoned for serving, . . . . .	786

**PROCLAMATIONS.**

allowance for printing, . . . . .	11, 185, 314
allowance for sending, . . . . .	21, 77, 164, 253, 281, 339
for a fast, to be issued, . . . . .	230
as to a reward for the apprehension of Gyles du Lake Tidmarsh, . . . . .	761

**PRODUCTS.** (*See* Barley, Barrel-Beef, Barrel-

Pork, Bayberry, Beeswax, Butter in Firkins, Cheese, Dry Fish, Flax, Hemp, Hides, Indian Corn, Mackerel in Barrels, Oats, Oil, Pease, Pitch, Rye, Tallow, Tanned Leather, Tar, Turpentine, Wax, Whalebone, Wheat.)	
receivable in payment of taxes, . . . . .	170

**PROMISSORY NOTES.**

given by Capt. William Woodside to two Indians, 248	
subjecting, to satisfy judgment, . . . . .	606
Samuel Sydebotham and Thomas Wright to re-enter an action on, . . . . .	685, 720

**PROSECUTION.**

allowance for, of Capt. Adijah Dewey for false muster-rolls, . . . . .	27, 137
Nathaniel Peasley freed from cost of, . . . . .	300
allowance to Nathaniel Peasley for, of an appeal, 375	
allowance for expense occasioned by, on a question of jurisdiction claimed by Rhode Island, . 567	
of constables of Attleborough by Rhode Island, 674, 757	

**PROVIDENCE JAIL, RHODE ISLAND.**

(*See* Jail.)

**PROVINCE ARMS.**

allowance for cleaning and mending, . . . . .	14
allowance for repairing, . . . . .	14, 59, 127, 179, 196, 223, 226
Capt. Peter Oliver to be credited with, delivered to two soldiers who deserted, . . . . .	51

**PROVINCE CHARTER.** (*See* Charter of the Province.)

**PROVINCE HOUSE.**

allowance for mason work at, . . . . .	22
care of repairs at, . . . . .	84, 456
allowance for repairs at, . . . . .	172, 253, 308, 382, 383, 496
no office to be kept in, or private family entertained in, . . . . .	253
committee to repair, . . . . .	258
money advanced to, . . . . .	471

**PROVINCE LANDS.**

survey of:	
near Oxford, . . . . .	23
between Worcester and Sutton, . . . . .	227
near Manchaug Pond, . . . . .	228
near Josiah Kingsbury farm, . . . . .	412
more time allowed Samuel Patridge for, . . . . .	274
near Springfield, . . . . .	309
granted for services, etc., . . . . .	70, 151, 163, 172, 223, 239, 250, 262, 342, 349, 369, 447, 505, 515, 554, 561 bis, 563, 633, 723, 767, 788
report of committee as to sale of, near Dorchester and Bridgewater, . . . . .	140
allowance to committee for viewing, . . . . .	162
grant of, for a precinct in Hadley, . . . . .	243
near Manchaug Pond and farm:	
committee to sell, . . . . .	322
account of sale of, by the committee, . . . . .	388
grant of, to volunteers against the Indians, . . . . .	355, 434

**PROVINCE LANDS — continued.**

power to prosecute trespassers on the, in Methuen, 385	
allowance for prosecuting trespassers on, in Methuen, . . . . .	394
adjacent to Naticook or Brenton's Farm, . . . . .	416
boundary of, . . . . .	416
granted to Sunderland, . . . . .	423
on Spectacle Island:	
erection of buildings on, . . . . .	324
grant of, for children of Rev. Joseph Willard, . . . . .	433
granted as an equivalent for land taken, . . . . .	437
report of committee as to, near Bridgewater, 552, 557	
granted to widow and children of Col. William Tailer, . . . . .	654
petition of inhabitants of Methuen for, . . . . .	676
survey of, for Samuel Dickenson, . . . . .	735
proceeds of sale of, in Shrewsbury to be paid into the Province treasury, . . . . .	768

**PROVINCE LAWS.**

for the present members of the General Assembly, 37	
for the towns and members of the General Assembly, . . . . .	98, 387, 460
allowance to Benjamin Elliot, stationer, for, . . . . .	120
for the chief justice of the superior court, . . . . .	123
for the Secretary, . . . . .	123
various towns to be supplied with, . . . . .	627, 681, 696, 697, 731, 783, 796

**PROVINCE TAX.** (*See* Taxes.)

**PROVISIONS.**

additional allowance for victualling Castle William on account of advance in price of, 21, 155, 442	
allowance for, for Penobscot Indians, . . . . .	59
allowance for, . . . . .	65
allowance for, in the eastern frontiers, . . . . .	70, 224
for chiefs of the Penobscot Indians, . . . . .	73
allowance for carting, . . . . .	95
allowance for, at Fort Mary, . . . . .	101
for Capt. Seth Wyman's company, . . . . .	102
for subsisting the Indians, . . . . .	152
for Lieut. Governor and others, . . . . .	196
delivering, by William Doak at the conferences with the Eastern Indians, . . . . .	203
for families of Indian messengers, . . . . .	251, 347
for Capt. Joseph Kellogg and attendants to go to Canada, . . . . .	273
truck-master to procure, in Hampshire County, . . . . .	330
allowance for, for Indian hostages, . . . . .	347
allowance for, for Lieut. Governor and Council at the ratification of the treaty, . . . . .	365
for the Governor and others who attend the interview with the Eastern Indians, . . . . .	667
supplied Castle William, . . . . .	762

**PUBLIC ACCOUNTS.** (*See* Treasurer of the Province.)

**PUBLIC DOCUMENTS.** (*See* Documents.)

**PUBLIC INCOMES.**

as security for the payment and drawing in the bills of credit, . . . . .	34, 91, 170, 264, 321, 363, 435
---------------------------------------------------------------------------	---------------------------------

**PUBLIC LETTERS.**

allowance for care of, . . . . .	254
----------------------------------	-----

**PUBLIC PAPERS.** (*See* Documents.)

**PUBLIC RECORDS.** (*See* Court Records, Documents.)

**PUBLIC SERVICE.**

allowance for disbursements for the, . . . . .	47
expense of express in, . . . . .	90
Andrew Anderson wounded in, . . . . .	157
Abraham Johnson retained in, . . . . .	246
rate allowed per month, . . . . .	246

**PUBLIC SERVICE — continued.**

## allowance to:

Eleazer Rogers, wounded in, . . . . .	269
Thomas Sanford for, . . . . .	517
John H. Lydius for losses, expenses, etc., in, . . . . .	643
Vincent Shuttleworth, disabled in, . . . . .	754

**PUBLIC STORES.**

for Castle William, . . . . .	28, 159, 311, 383, 479, 502
for Lient. Governor and others, . . . . .	51, 164
for blockhouse at St. George's River, 66, 199, 347, 384	
allowance for impressing, . . . . .	77
hire of warehouse for, . . . . .	79
expended, . . . . .	101
allowance to Peter Walton for delivering, to soldiers, . . . . .	142
allowance for delivering, . . . . .	179
care of, at truck-house on St. George's River, . . . . .	202
allowance for services in delivering out, on the Martha Galley, . . . . .	203

**PUBLIC STORES — continued.**

sloop hire for carrying, . . . . .	204
allowance for, to fit out the sloop Greyhound, . . . . .	222
Capt. Thomas Smith to inventory and deliver, . . . . .	261
allowance for transportation of, . . . . .	320, 341
allowance to Capt. Benjamin Larrabee for hauling, . . . . .	410
for Fort George, . . . . .	593, 595
for fort at St. George's River, . . . . .	596
for fort at Richmond, . . . . .	596
for sloop Endeavor, . . . . .	598
for truck-house on Saco River, . . . . .	620

**PUNCAPAUG.**

trustee for Indians of, . . . . .	113, 463
guardian for Indians of, . . . . .	147
account by trustee for Indians of, allowed, . . . . .	694

**PUNCHATESSET PURCHASE.**

petition of the agents as to bounds of, . . . . .	530
---------------------------------------------------	-----

## Q.

**QUAKERS.**

petition of, to be exempt from taxes as to the ministry, . . . . .	361
prisoners released from jail to have benefit of the late law of the Province made for the case of, . . . . .	395

**QUAKERS — continued.**

exempt from taxes as to the support of the ministry, . . . . .	637
----------------------------------------------------------------	-----

**QUEEN.**

allowance for entertainment on the birthday of the, . . . . .	392
---------------------------------------------------------------	-----

## R.

**RANSOM FOR CAPTIVES. (See Captives.)****RATES. (See Taxes.)**

to pay, to Chelmsford, . . . . .	28
inhabitants of Mendon unable to pay, . . . . .	85
inhabitants of Dedham, south part, and Dorchester, west part, exempted from the, for the ministry, . . . . .	102
Josiah Cook and others committed to jail for non-payment of the, assessed for support of the ministry, . . . . .	275
distrainted as to meeting-house at Newbury, . . . . .	344
Edmund Ingalls and others in prison on account of a ministerial rate, . . . . .	395
inhabitants set off from Dedham to be freed from the ministerial, . . . . .	462
certain inhabitants to pay their proportional part to Medfield and Needham for support of the ministry, . . . . .	462
power to constables of North Yarmouth to collect, . . . . .	509
power to collectors in Brimfield as to the, . . . . .	511
persons living near boundary of Rhode Island not to pay the, until boundary is settled, . . . . .	532
persons living near boundary of New York to be exempt from, until boundary is settled, . . . . .	562
persons cast of Pawtucket River to pay the, to this Province, . . . . .	591
petition of John Bartlett and others as to the ministerial, . . . . .	623
petition for the remission of half the, as to the support of the ministry, . . . . .	632
vote of Bradford precinct ratified as to ministerial, . . . . .	739

**RATIFICATION OF THE TREATY. (See Treaty.)****RECEPTION. (See Governor of the Province.)****RECOGNIZANCE.**

bound by, to appear as witnesses, . . . . .	107
declared forfeited, . . . . .	107
Thomas Baker's, discharged, . . . . .	167
discharge of John Warren from forfeiture of a, . . . . .	572

**RECORDING OF DEEDS.**

wrongful, . . . . .	236
---------------------	-----

**RECORDS. (See Court Records, Documents.)****RED CLOTH. (See Cloth.)****REDEMPTION, EQUITY OF. (See Equity of Redemption.)****REFINER.**

William Coldry, . . . . .	665
---------------------------	-----

**REGIMENT OF BOSTON.**

morning materials for, . . . . .	431
----------------------------------	-----

**REGISTRY OF DEEDS.**

deed to be recorded in, for Barnstable, . . . . .	97
deed of partition to be recorded in, . . . . .	207
wrongful recording of deed in, . . . . .	236
account as to partition of land to be recorded in the, . . . . .	286
deed recorded in, for Middlesex County, . . . . .	609

**RELIGION. (See Christianity, Indians, Ministry.)****REMITTANCE.**

of peltry by truck-masters, . . . . .	70
of duty on deceased negroes, . . . . .	188, 208
of fine to John Moffat, . . . . .	222
of duty on a negro boy, . . . . .	227

**REPAIRS.**

at the blockhouse at St. George's River, . . . . .	22, 96, 204
at Province House, 22, 253, 258, 308, 382, 383, 456, 471, 496	
of whale-boats, . . . . .	26, 79, 114, 247, 410
of wharf at lighthouse, . . . . .	38, 111
of arms at Castle William, . . . . .	45

**REPAIRS — continued.**

of the dwelling-house on Beacon Island, . . .	54
at Castle William, . . . 55, 124, 160, 211, 234, 313, 320, 371,	
372, 411, 447, 494, 780 <i>bis</i>	
of Province arms, . . . 14, 59, 127, 179, 196, 223, 226	
at the Governor's house, . . . . .	77, 123, 172
at Fort George, at Brunswick, . . . . .	111, 247, 410 <i>bis</i>
at the lighthouse, . . . . .	111
at Fort Mary, . . . . .	139, 173, 357, 360, 377
at powder-house, . . . . .	140, 409
at truck-house at St. George's River, . . . . .	261
at court house, . . . . .	269
on Pawtucket bridge, . . . . .	311
at truck-house on Saco River, . . . . .	425
at meeting-house in Scituate, . . . . .	589, 777
at blockhouse above Northfield, . . . . .	601

**REPLEVIN, WRIT OF.**

wrong return of, . . . . .	688
----------------------------	-----

**REPRESENTATIVE.**

allowance to Ephraim Tucker, . . . . .	528
----------------------------------------	-----

**RESISTING AN OFFICER. (See Officers.)**

**RETAILER'S LICENSE. (See Innkeeper.)**

**REVIEW, ACTION OR WRIT OF.**

for trespass, . . . . .	44, 263
power by, to contest an account, . . . . .	201, 250, 258, 326
leave to bring an, . . . . . 313, 600, 688, 694, 698, 702, 720, 721,	
743, 750, 765, 775	

abatement of, on account of mistakes in the sum-	
mons, . . . . .	363
suspension of, . . . . .	541
power to enter, anew, . . . . .	547
power to try, . . . . .	607
service of, . . . . .	608
for neglect or mistake of attorney, . . . . .	631, 690
power to serve, . . . . .	690, 760
petition of William Ilix for, . . . . .	730
power to continue, . . . . .	759
petition of Samuel Grafton for, . . . . .	760

**REWARD. (See Premiums.)**

to Indians for two deserters, . . . . .	381
-----------------------------------------	-----

**REWARD — continued.**

for apprehension of Gyles du Lake Tidmarsh, . . .	761
for apprehending Rhode Island officers exercising	
authority in Attleborough, . . . . .	782

**RHODE ISLAND.**

boundary between Massachusetts and, . . . 523, 532, 591,	
616, 620, 640, 655, 673, 687, 705, 713, 755, 773, 782	
letter to Governor of, protesting against the action	
on Attleborough affair, . . . . .	523
majority of commissioners as to the boundary	
between Massachusetts and, to constitute	
a quorum, . . . . .	568
claim by, to jurisdiction over Attleborough, 523 <i>bis</i> , 567	
constable of Attleborough committed to jail in	
Providence County, . . . . .	603
committee to meet the commissioners to settle	
western boundary between Massachusetts	
and, . . . . .	640
prosecution of constables of Attleborough	
by, . . . . .	674, 757 <i>bis</i>
government of, to be pressed to remit penalties	
and charges, . . . . .	773

**RINGS.**

for mourning for Gov. William Burnett, . . .	431
----------------------------------------------	-----

**ROADS. (See Highways.)**

**ROMAN CATHOLICISM.**

Capt. Joseph Kellogg's sister convert of, . . .	340
-------------------------------------------------	-----

**ROPE.**

allowance for, . . . . .	197
--------------------------	-----

**ROYAL CHARTER. (See Charter of the Province.)**

**ROYAL LICENSE. (See License.)**

**ROYAL NAVY.**

masting the, . . . . .	91
------------------------	----

**RUM.**

unlawful selling of, to Indians, . . . . .	107
for Indian trade at Biddeford, . . . . .	241 note
percentage allowed for waste on, retailed, . . .	252
for trade with the Western Indians, . . . . .	330

**RYE.**

receivable in payment of taxes, . . . . .	170
-------------------------------------------	-----

**S.**

**SACHEMS.**

Jacob Suckenot, . . . . .	75
drunkenness of, . . . . .	75
entertainment of Indian, at St. George's River, . .	414
present to Indian, in Boston, . . . . .	415
allowance for entertainment of Indian, . . . . .	417
land belonging to Indian, . . . . .	736

**SACO RIVER. (See Truck-houses.)**

**SAILMAKER.**

Robert Rand, Boston, . . . . .	795
--------------------------------	-----

**SAILS.**

for boat at lighthouse, . . . . .	445
-----------------------------------	-----

**ST. FRANCOIS INDIANS. (See Indians.)**

**ST. GEORGE'S RIVER. (See Blockhouse at St. George's River.)**

**SALARY.**

of Rev. Daniel Greenleaf, . . . . .	187
deduction from Capt. Thomas Smith's, limited, . .	200
selectmen of Leicester fined for not assessing, of	
Rev. David Parsons, . . . . .	551

**SALES.**

account of the, of cargo on the ship Eagle to be	
contested, . . . . .	201
account of the, of cargo on the brigantine Susannah	
to be rendered, . . . . .	375

**SALUTATION HOUSE.**

license to keep, near Winnissimmet Ferry, . . .	419
-------------------------------------------------	-----

**SCALP MONEY, . . . . . 39**

**SCARBOROUGH, the ship.**

Capt. Thomas Durell, master:	
allowance to, for services, . . . . .	749

**SCHOOL.**

at Jamaica Plain:	
land granted to, . . . . .	149
petition of Cobasset as to the, in Hingham, . .	212
free, at Roxbury, . . . . .	310
lots for, . . . . . 325, 355, 416, 656, 685, 696, 697, 701	
unimproved land in Biddeford taxed for support	
of a, . . . . .	667
land granted for a grammar, in Cambridge, . .	740
mistake in survey of, . . . . .	771
power to lay out land for support of a, in Duxbury, 789	

**SCHOOLHOUSE.**

each petitioner and the English families at Hassa-	
nimisco to pay a certain part for, . . . . .	240

**SCHOOL MASTER.**

to instruct the children, . . . . .	212
at Hassanimisco:	
each petitioner and the English families to pay	
a certain part for, . . . . .	240

**SCHOOL MASTER—continued.**at Hassanimisco—*continued.*

- to be maintained for the Indians and their children free of cost to the Indians, . . . 240
- unimproved land taxed in Lunenburg for support of a, . . . 627

**SCHOONER.**

- belonging to James Parker, . . . 74
- ordered to carry an express, . . . 74
- impressed to go express, . . . 80
- Pegasus. (*See* Pegasus, the schooner.)

**SCOUTS AND SCOUTING.**

- muster-rolls of the scouts:
  - under Lieut. William Brentnall, . . . 20
  - under Capt. Samuel Barnard, . . . 29
- Lieut. Governor to give orders to the corporal as to scouting, . . . 91
- Nathaniel Chamberlain, commander of, sent from Fort Dummer, . . . 104
- sent by Capt. Timothy Dwight, . . . 109
- surprised by Indians, . . . 109
- taken captives and carried to Canada, . . . 109

**SCRIVENER'S SERVICE.** (*See* Writing.)**SCROLL.**

- new plate of a, for bills of credit, . . . 335

**SEA-FARING MEN.**

- Robert Wingham, . . . 481
- James Shea, . . . 481
- James Lovell, . . . 608

**SECRETARY OF THE PROVINCE.**

Josiah Willard:

- summons from, to attend the General Assembly, 36
- allowance for stationer's wares for office of, . . . 99, 266, 387, 460
- allowance for services of, . . . 118, 182, 287, 327, 442, 477, 533, 746
- additional allowance for services of, . . . 118, 182, 287, 442, 534, 746
- late impression of the law book for, . . . 123
- committee to assist, in sorting papers, . . . 168
- gloves and rings for, . . . 431

**SELECTMEN.**

choice of:

- at Framingham, . . . 307
- at Dunstable, . . . 496

of Mendon:

- failure to appear at the hearing, . . . 528
- ordered to attend the hearing, . . . 528
- petition of, for an abatement of county tax, . . . 602

of Leicester:

- fined for not assessing salary of Rev. David Parsons, . . . 551

of Attleborough:

- petition of, for taxation of non-residents, . . . 554

of Lunenburg:

- power to, to assess all unimproved land, . . . 627

of Boston:

- power to, to choose collectors of taxes, . . . 736

of Edgartown:

- to be reimbursed for support of the Palatines, . . . 784

**SENTENCE.**

- appeal from, . . . 19, 679, 681, 733, 741, 745, 763, 790

**SENTINELS.**

- pay of, at Castle William established, . . . 88, 573
- wages of, omitted on muster-roll, allowed, . . . 114
- sentinel's pay allowed Capt. Thomas Smith's servant, . . . 199

**SERGEANT.**

- pay of, at Castle William established, . . . 88, 573

**SERMONS.** (*See* Election Sermons.)

- allowance for printing, . . . 213

**SERVANTS.**

- attending the Lieut. Governor at the ratification of the treaty:
  - allowance to, . . . 191
- sentinel's pay allowed Capt. Thomas Smith's servant, . . . 199, 304
- mourning for, of Gov. William Burnett, . . . 431

**SET-OFF.**

- judgment against judgment, . . . 166, 481 *bis*, 491, 525
- of judgment against judgment not yet obtained, . . . 565

**SETTLEMENTS.**

- no, in York County east of North Yarmouth and Casco Bay, . . . 62
- near boundary between Massachusetts and New York to be prohibited, . . . 108
- of two townships, . . . 325
- of township by volunteers at Pigwacket, . . . 434
- Richard Austin deprived of his right as to, in lower town of Housatonic, . . . 498
- committee as to, of North Yarmouth, 509, 635 *bis*, 641, 659, 667, 797
- committee as to, of Pennacook, . . . 559
- on Saco River, . . . 722

**SHED.**

- on Spectacle Island for goods taken from infectious vessels, . . . 324

**SHEERNESS, the ship.**

- Capt. — Cornwall, commander, . . . 62
- opposition given Capt. Thomas Little by, . . . 62

**SHERIFF.**

of Suffolk County: . . .

Edward Winslow:

allowance to:

- for sending writs for calling the General Assembly, etc., . . . 21
- for expense of celebrating the king's birthday, . . . 29
- for sending proclamations, etc., . . . 77, 164, 253, 281, 339
- for services, . . . 84
- for repairing Governor's house, . . . 172
- for expenses on the anniversary of the accession of King George the Second to the throne, . . . 323, 495
- for expenses as to the entertainment on the queen's birthday, . . . 392
- to levy the executions of John Crisde on estate of Samuel Ranister, . . . 166
- to make provision for celebrating the coronation of King George the Second, . . . 373
- to take security pending settlement of suit, . . . 375
- to commit Job Bartlett and others to jail, . . . 607
- Bristol and Worcester to pull down Rhode Island notices posted up in the Gore of Attleborough, . . . 755

John Dorrell, deputy:

- allowance to, of cash paid to drummers, . . . 32
- expense of serving special warrant, etc., . . . 452

William Pynchon, under-sheriff:

- impressed Samuel Morgan to go express, . . . 60

of Bristol County:

Charles Church:

- allowance for services in impressing men, etc., . . . 147
- power to, etc., to pull down papers, . . . 660

of York County:

Jeremiah Moulton:

- allowance to, for subsisting prisoners, . . . 551

**SHIP MASTS.**

- for the navy in Great Britain:
  - to be provided and transported, . . . . . 91
  - muster-roll of the guard for getting, . . . . . 198

**SHIPS.**

- Sheerness. (*See* Sheerness, the ship.)
- Charming Jenny. (*See* Charming Jenny, the ship.)
- Morehampton. (*See* Morehampton, the ship.)
- Martha Galley. (*See* Martha Galley, the ship.)
- Eagle. (*See* Eagle, the ship.)
- Blanford. (*See* Blanford, the ship.)
- Loving Unity. (*See* Loving Unity, the ship.)
- Scarborough. (*See* Scarborough, the ship.)
- Mehetabel. (*See* Mehctabel, the ship.)

**SHIPWRIGHT.**

- William Lee, . . . . . 228
- Stephen Greenleaf, Boston, . . . . . 437
- Ebenezer Thornton, Boston, . . . . . 604, 628

**SHIRE TOWN.**

- Worcester, in new county, . . . . . 532

**SHIRTS.**

- for the Indians, . . . . . 251 note

**SHOES.**

- for the Indians, . . . . . 251 note

**SHOP.**

- for armorer at St. George's River, . . . . . 261

**SHOPKEEPER.**

- Stephen Boutineau, . . . . . 47
- Josias Byles, . . . . . 798

**SHOREMAN.**

- James Darling, . . . . . 632

**SHOT.**

- for Indian trade at Biddeford, . . . . . 241 note
- for Indian chiefs, . . . . . 289
- present of, to the Eastern Indians, . . . . . 600

**SILVER MONEY.**

- bond in suit for recovery of, . . . . . 475
- rate per ounce, . . . . . 566

**SILVER PLATE.**

- for an Indian, . . . . . 251 note

**SKINS.**

- in Indian trade, . . . . . 244
- beaver, for manufacture of hats, . . . . . 426

**SKIPPER.**

- Nicholas Waltham, . . . . . 632

**SLAVES.**

- negro man named Pompey, . . . . . 164
- negro, on sloop Martha, . . . . . 188

**SLED.**

- purchase of, for fort at St. George's River, . . . . . 596
- purchase of, for fort at Richmond, . . . . . 596

**SLOOPS.**

- George. (*See* George, the sloop.)
- Merry Meeting. (*See* Merry Meeting, the sloop.)
- Dragon. (*See* Dragon, the sloop.)
- Loyal Heart. (*See* Loyal Heart, the sloop.)
- Susannah. (*See* Susannah, the sloop.)
- Tryal. (*See* Tryal, the sloop.)
- Endeavor. (*See* Endeavor, the sloop.)
- Elisabeth and Mary. (*See* Elisabeth and Mary, the sloop.)
- Martha. (*See* Martha, the sloop.)
- Greyhound. (*See* Greyhound, the sloop.)
- Maryland. (*See* Maryland, the sloop.)
- hire of sloop for carrying provisions and transporting Indians, . . . . . 204
- from North Carolina ashore near the light-house, . . . . . 211
- hire of sloop and wages due men, . . . . . 524

**SMALLPOX.**

- in Boston, . . . . . 458, 460
- fear of, prevented appearance of the petitioner, . . 475
- prevented Benjamin Williams from obtaining a license, . . . . . 510
- prevented grantees of the Narragansett lands from convening, . . . . . 525
- infection of, by William Bears, . . . . . 567

**SOCIETY FOR PROPAGATING CHRISTIAN KNOWLEDGE.**

- sending missionaries among the Indians by, . . . 669

**SOLDIERS, SAILORS OR MEN AT SEA.**

- victualling or subsisting, 10 *bis*, 15, 24, 29 *bis*, 49, 106, 112, 152, 337, 345
- taken prisoners by Indians. (*See* Captives.)
- cleaning and mending Province arms used by, . . 14
- wounded, sick or loss of time, etc., of, allowance for, 14, 15, 22, 24, 36, 37, 39, 55, 57, 58, 68, 71, 78, 93 *bis*, 99, 101, 124 *bis*, 125, 143, 148, 154, 157, 163, 221, 225, 232, 234, 254, 269, 322, 374, 436, 552, 556, 771

- volunteers, . . . . . 17, 54, 67, 85, 102
- at Pigwacket. (*See* Pigwacket.)

- wounded on sloop attending Lieut. Governor at the ratification of the treaty, . . . . . 94

- wages of, 15, 19, 20 *ter*, 24 *bis*, 25, 26 *bis*, 29 *bis*, 30, 38 *bis*, 40, 49, 60 *bis*, 61 *ter*, 62, 64, 71, 72, 75, 76, 81 *bis*, 82, 83, 87, 88, 90, 95, 98, 106 *bis*, 114, 123, 139, 152, 161, 162, 163, 174 *bis*, 175, 179, 183, 190, 191, 194, 195, 198, 199, 206, 222, 229, 244, 245, 248, 257, 268, 318, 319, 320, 333, 336, 337, 338, 339, 341, 380, 381, 383, 386 *bis*, 396, 400, 409, 410, 414 *bis*, 420, 424, 432, 448, 450, 457, 460, 492, 494, 495, 497, 501, 507, 509, 512, 513 *bis*, 533, 555, 569, 571

- medicine or medical services for, 18, 28, 36, 37, 90, 124 *bis*, 125, 143, 154, 194, 214, 249, 263, 333, 395, 436, 450

- land granted to, for services, 70, 151, 163, 172, 239, 250, 262, 342, 349, 369, 378 *bis*, 447, 505, 554, 623

- apprehending two Indian, deserters, . . . . . 79
- surgeon for, allowance for services of, . . . . . 83

- allowance for nursing, . . . . . 94
- allowance of pay of, to time of the forces' dismissal, . . . . . 99

- slain by Indians, . . . . . 104, 115, 197, 561
- to be continued in service at Castle William, . . 122

- allowance for public stores delivered to, . . . 142
- lost, belonging to:
  - arms, . . . . . 169

- services of, attending the Lieut. Governor, . . . 197
- enlisting:
  - expense of, . . . . . 203
  - allowance for, at Castle William, . . . . . 564

- in the eastern frontiers during the war, allowance to, for support, . . . . . 214

- enlisted as a soldier in the eastern frontiers, officiated as a physician, . . . . . 214

- in Narragansett war. (*See* War.)
- ferriage of, . . . . . 338

- in prison for non-payment of bond, . . . . . 354
- allowance for laying out towns for Narragansett soldiers, . . . . . 379, 393

- to be supplied with clothing at same price as the Indians, . . . . . 392

- burnt by fire in the woods, . . . . . 556
- pay of, at Fort George to be raised on next muster-roll, . . . . . 585

- to cut and cart wood, etc., for fort at St. George's River, . . . . . 596

**SOLDIERS, SAILORS OR MEN AT SEA**

—continued.

- to cut and cart wood, etc., for fort at Richmond, . . . 596
- land granted to, . . . . . 669
- injured in service, . . . . . 729

**SPEAKER OF THE HOUSE OF REPRESENTATIVES.**

- to have allowance for services, . . . . . 18
- William Dudley:
  - allowance per day, . . . 53, 122, 184, 289, 328, 443
- John Quincey:
  - allowance per day, . . . . 443, 526, 572, 747

**SPECTACLE ISLAND.**

- buildings to be erected on, . . . . . 324
- allowance for building a house near the hospital on, 393

**SPEECHES.**

- report of committee on Lieut. Governor's, . . . 62

**STABLE.**

- allowance to Samuel Sewall for rent of, . . . 354
- purchase of, and other buildings for the Governor's use, . . . . . 590

**STATIONER.**

- Benjamin Elliot, . . . . . 98, 129
- allowance for paper, etc., . . . . . 98
- allowance for the laws (new impression), . . 129
- Thomas Hancock, . . . . . 332
- allowance for paper and printing election sermons, . . . . . 352

**STATIONER'S WARES.**

- for Council and House of Representatives, . . 98, 267, 387, 460
- for Secretary's office, . . . . . 99, 266, 387

**STATUTE. (See Construction.)****STAY.**

- of proceedings, 44 *bis*, 59, 108, 126, 164, 167, 187, 201, 234, 361, 366, 453, 454, 459, 475, 481 *bis*, 498, 499, 503, 519, 525, 541, 543, 547, 551, 555, 562, 569, 570, 571, 582, 604, 621, 636, 668, 680, 694, 696, 702, 721, 730, 743, 750, 754, 760 *bis*, 774, 777, 783, 791, 794, 798

**STEALING.**

- horse, by an Indian, . . . . . 311
- piece of holland, . . . . . 733

**STEPS.**

- stone for, at powder-house, . . . . . 389

**STEWARD.**

- allowance to William Doak, . . . . . 203
- mourning for, of the late Gov. William Burnett, 431

**STIPENDS ESTABLISHED BY LAW.**

- bills of credit emitted for payment of, 34, 91, 170, 264, 321, 363, 435

**STOCK.**

- for Indian trade, . . . . . 70, 90
- in Treasurer's hands, . . . . . 319
- for Indian trade to be made good by sale of furs, . 524

**STOLEN GOODS.**

- concealment of, . . . . . 126

**STONE.**

- for steps at powder-house, . . . . . 389

**STORAGE.**

- of merchants' powder, . . . . . 140, 409
- money received for, . . . . . 302
- credit for, of powder, . . . . . 495

**STOREHOUSE.**

- for goods for the Indian trade, . . . . . 238
- allowance for, at St. George's River, . . . 414
- room to be built for a, at blockhouse above Northfield, . . . . . 601

**STORE KEEPER.**

- William Downes, Boston, . . . . . 524

**STORES. (See Public Stores.)**

- house built at Scarborough for, for workmen, . . 91
- removal of, from Fort Mary to Pemaquid, . . . 759

**STROUD.**

- for Indian trade at Biddeford, . . . . . 241 *note*
- for Indian chiefs, . . . . . 289

**SUFFOLK COUNTY.**

justices of:

power to:

- superior court to hear and determine case, 9, 47, 258, 313, 326, 437, 680, 694
- to renew licenses, . . . . . 57, 209
- superior court to hear and determine an appeal, . . . . . 189, 364
- to grant licenses, . . . . . 206, 225, 350, 356, 419, 510
- to grant licenses as innkeepers notwithstanding lapse of time, . . . 221, 223, 224, 419, 510, 555
- inferior court to admit entry of demurrer, . . 252
- to try a review, . . . . . 313, 600, 607, 690
- to amend summons, . . . . . 363
- superior court as to sale of land, as if sitting in Bristol County, . . . . . 377
- to enter anew William Anthony's action of review, . . . . . 547
- inferior court to hear and determine case, 685, 729, 721
- assize court to hear and try case, . . . . . 733

Edward Winslow, sheriff:

allowance to:

- for sending writs for calling the General Assembly, . . . . . 21
- for expense of celebrating the king's birthday, . . . . . 29
- for sending proclamations, etc., . . . . . 77, 164, 253
- for services, . . . . . 84
- for repairs at Governor's house, . . . . . 172
- for expenses on the anniversary of the accession of King George the Second to the throne, . . . . . 323, 495
- for expenses as to the entertainment on the queen's birthday, . . . . . 392
- to levy the executions of John Crisde on estate of Samuel Banister, . . . . . 166
- to provide for the celebration of the king's coronation, . . . . . 373
- to take security pending settlement of suit, . . 375
- bail required by, for Job Bartlett and others, . 695
- to commit Job Bartlett and others to jail, . . . 697
- petition for stay of execution, . . . . . 777
- treasurer's accounts of. (See County Treasurers.)

- power to judge of probate to receive claim against estate of Col. Gyles Dyer, . . . . . 142
- commissioners for letting out the £100,000 loan. (See Loan.)

- petition for partition of land in, . . . . . 283
- western towns in, and Middlesex County for a new county, . . . . . 532

sheriffs of, and Bristol County:

- to arrest those who caused Henry Joslyn's imprisonment, . . . . . 603
- Job Bartlett and others brought by, for examination, . . . . . 605

- power to the judge of probate as to the will of Joseph Bass, . . . . . 784

**SUGAR.**

- percentage allowed for waste on, retailed, . . 252
- for trade with the Western Indians, . . . . . 330

**SUMMONS.**

- amendment of, . . . . . 363

## SUPPLIES.

for blockhouse:	
at St. George's River:	
stores, . . . . .	66, 199, 347, 384, 596
gunpowder, . . . . .	261
for captives redeemed:	
clothing, . . . . .	232, 303, 304, 308
subsisting, . . . . .	351
for Castle William:	
victualling, . . . . .	21, 25, 78, 160, 229, 301
stores, . . . . .	28, 159, 311, 383, 479, 502
provisions, . . . . .	762
for chiefs of Penobscot Indians:	
provisions, . . . . .	73
for council:	
books, . . . . .	98
ink, . . . . .	98
paper, . . . . .	98
wine, . . . . .	200
stationer's wares, . . . . .	267, 387, 460
gloves, . . . . .	431
rings, . . . . .	431
for Endeavor, the sloop:	
stores for, . . . . .	598
for Fort Dummer:	
fire-wood, . . . . .	152
for Fort George:	
wood, . . . . .	25, 27, 183, 320
plank, . . . . .	111
timber, . . . . .	111
stores, . . . . .	593, 595
for Fort Mary:	
liquor, . . . . .	101
provisions, . . . . .	101
wood, . . . . .	101, 139, 175
for fort at Richmond:	
stores, . . . . .	596
for the General Assembly:	
candles, . . . . .	119
for House of Representatives:	
books, . . . . .	98
ink, . . . . .	98
paper, . . . . .	98
curtain, . . . . .	119
stationer's wares, . . . . .	267, 387, 460
gloves for members, . . . . .	431
rings for members, . . . . .	431
for Indian hostages:	
clothing, . . . . .	181, 351
subsisting, . . . . .	181, 351
for Indian messengers:	
blankets, . . . . .	251 note
coat, . . . . .	251 note
hats, . . . . .	251 note
hose, . . . . .	251 note
shirts, . . . . .	251 note
shoes, . . . . .	251 note
subsisting, . . . . .	346
for families of Indian messengers:	
provisions, . . . . .	251, 347
for Indians:	
clothing, . . . . .	59
provisions, . . . . .	59
subsisting, . . . . .	78, 152, 183
coffin, . . . . .	79
cradle, . . . . .	79
in the eastern frontiers, . . . . .	178
for Indians in jail:	
subsisting, . . . . .	33, 63, 78, 143, 181
medicine, etc., . . . . .	80

## SUPPLIES—continued.

for Lieut. Governor and others at the ratification of the treaty:	
stores, . . . . .	51, 164
beer, . . . . .	66
beef, . . . . .	196
mutton, . . . . .	196
provisions, . . . . .	365
for lighthouse:	
cable for boat, . . . . .	191, 622
sail for boat, . . . . .	445
for powder-house:	
candles, . . . . .	10, 140, 302, 409
coal, . . . . .	10, 140, 302, 409
for Secretary's office:	
books, . . . . .	99
papers, . . . . .	99
stationer's wares, . . . . .	266, 387, 460
for soldiers:	
subsisting, . . . . .	10 <i>bis</i> , 15, 24, 29 <i>bis</i> , 49, 106, 112, 152, 337, 345
in the eastern frontiers:	
clothing, . . . . .	70, 102
provisions, . . . . .	70, 224
for trade with Western Indians:	
molasses, . . . . .	330
rum, . . . . .	330
sugar, . . . . .	330
for truck-houses:	
at St. George's River:	
bed, . . . . .	252
bedding, . . . . .	252
chairs, . . . . .	252
table, . . . . .	252
on Saco River:	
stores, . . . . .	620
for volunteers:	
clothing, . . . . .	102
provisions, . . . . .	102
for whale-boat:	
oars, . . . . .	26, 114, 133
SUPPORT.	
allowance to Zachariah Trescot for, . . . . .	15
of the ministry. ( <i>See Ministry.</i> )	
sale of land for. ( <i>See Power.</i> )	
allowance to:	
Eleazer Rogers for, . . . . .	55
Hugh Pike for, besides pension, . . . . .	68
Rev. Samuel Hunt for, . . . . .	177
John Malcolm for, . . . . .	214
William Jeffry for, . . . . .	234, 552
Eunice White for, . . . . .	245
Margaret Robbins for, . . . . .	353
Robert Wilson for, . . . . .	456, 771
Vincent Shuttleworth for, . . . . .	754
sale of personal property for, of Mary King, . . . . .	472
SURGEONS. ( <i>See Physicians and Surgeons.</i> )	
SURVEYING.	
allowance for, Province land:	
near Oxford, . . . . .	23
between Worcester and Sutton, . . . . .	227
near Manchaug Pond, . . . . .	228
near Springfield, . . . . .	309
grant of land near Taunton, . . . . .	116
committee for, Northfield, . . . . .	177
more time allowed for, . . . . .	274, 280, 332
allowance for, boundary of Maine, . . . . .	317
land for Narragansett soldiers, . . . . .	378 <i>bis</i>
allowance to committee for, . . . . .	379
allowance to Jonas Houghton for, . . . . .	393

**SURVEYING**—*continued.*

allowance to committee for, land at Tanteusques or the Black Lead Mines, . . . . .	379
allowance to committee for running line between Brookfield and Leicester, . . . . .	455
line between Leicester and Brookfield, . . . . .	485
English purchasers at Hassanimesco to pay for, . . . . .	503
allowance to committee for, line between North Town in Turkey Hills and Dunstable, . . . . .	626
allowance to committee for, boundary between Massachusetts and Connecticut, . . . . .	795

**SURVEYORS.**

Timothy Dwight, 11, 423, 485, 663, 678, 727, 728, 730	
John Chandler, . . . . .	23, 322, 738
William Ward, . . . . .	231
William Chandler, . . . . .	303, 458, 714, 738
Jonas Houghton, 378 <i>bis</i> , 393, 434, 531, 595, 654, 675,	
699	
Humphrey Seamon, . . . . .	389
Maj. John Chandler, . . . . .	401, 412
Capt. William Ward, . . . . .	485
Nathan Haywood, . . . . .	559
Samuel Thaxter, . . . . .	559, 781
Capt. Samuel Wright, . . . . .	581, 598, 599
Benjamin Flagg, . . . . .	632, 675
Samuel Jones, . . . . .	653

**SURVEYORS**—*continued.*

John East, . . . . .	670
Richard Hazen, jr., . . . . .	714
Joseph Blanchard, . . . . .	725
Joseph Wilder, . . . . .	726
Ebenezer Prescott, . . . . .	740
Samuel Wright, . . . . .	740
Nathaniel Haywood, . . . . .	743
Phineas Jones, . . . . .	744
of hemp, . . . . .	37
Joseph Hill, . . . . .	205
of duck or canvas, . . . . .	52, 116, 260
Adino Bullfinch, . . . . .	116, 260
William Palfrey, . . . . .	116, 260
Charles Morris, . . . . .	116, 260
allowance to, for services, . . . . .	116
to mark and seal all pieces, . . . . .	241
Thornton Barrett, . . . . .	260
William Bullfinch, . . . . .	260

**SUSANNAH**, the brigantine.

security pending settlement of suit as to the sales of the cargo of, . . . . .	375
-----------------------------------------------------------------------------------	-----

**SUSANNAH**, the sloop (a transport).

Capt. John Robinson, commander, . . . . .	61
wages due company on, according to muster-roll, . . . . .	61
allowance to owners of, for sloop hire and damage, . . . . .	61

**T.****TABLE.**

for truck-house at St. George's River, . . . . .	252
further allowance to Lieut. John Larrabee for, expenses, . . . . .	409

**TAILOR.**

Samuel Gardner, . . . . .	282
---------------------------	-----

**TALLOW.**

receivable in payment of taxes, . . . . .	170
to be disposed of at the best advantage, . . . . .	392

**TANNED LEATHER.**

receivable in payment of taxes, . . . . .	170
-------------------------------------------	-----

**TANTEUSQUES, OR THE BLACK  
LEAD MINES.**

survey of, very irregular, . . . . .	127
resurvey of, . . . . .	265
reform of the survey of, to Wait Winthrop, . . . . .	307, 379
allowance to committee for a reform of the sur- vey of, . . . . .	316
confirmation of, to heirs of Wait Winthrop, . . . . .	379
allowance for surveying, . . . . .	379

**TAR.**

receivable in payment of taxes, . . . . .	170
-------------------------------------------	-----

**TAVERNERS.** (*See Innkeeper*)**TAVERNS.** (*See Inn.*)

in Cambridge:	
Blue Anchor:	
John Hovey granted a license to keep, . . . . .	387
in Boston:	
Black Horse:	
Benjamin William granted a license to keep, . . . . .	510
Bunch of Grapes:	
William Coffin granted a license to keep, . . . . .	555

**TAXES.** (*See Rates.*)

as to the support of the ministry:	
on non-residents of Oxford, . . . . .	17
on residents and non-residents of Leicester, . . . . .	41
on unimproved land in Abington, . . . . .	160
on land in Leicester, . . . . .	230
on land in Rutland, . . . . .	237

**TAXES**—*continued.*as to the support of the ministry—*continued.*

on unimproved land in Uxbridge belonging to non-residents, . . . . .	304, 625
on land in new precinct on south side of Mt. Holyoke, . . . . .	351
on land in new precinct in Braintree, . . . . .	367
on unimproved land in Lunenburg, . . . . .	372
on unimproved land in North Town in Turkey Hills, . . . . .	374
on non-residents of Biddeford, . . . . .	411
on land at North Yarmouth, . . . . .	421
on unimproved land in Oxford, . . . . .	428
on unimproved land in Hopkinton, . . . . .	436
on land in Lower Town of Housatonic River, . . . . .	521
on land in Oxford belonging to Joseph Putney and others, . . . . .	629
on unimproved land in Biddeford, . . . . .	667
on land of non-residents in Rutland, . . . . .	687
on land in the north part of Rutland, . . . . .	715
on non-residents of Nottingham, . . . . .	776
on certain farms at the Elbows, . . . . .	793
to pay, to Chelmsford, . . . . .	28
as security for bills of credit, 34, 91, 170, 264, 321, 863, 435	

articles receivable in payment of. (*See Products.*)

Province, collected by constable, . . . . .	71
delivered in bills of credit to master of a sloop, . . . . .	71
abatement of Province:	
in Mendon, . . . . .	85
in Middleborough, . . . . .	149
in Hopkinton, . . . . .	449
in Hatfield, . . . . .	718
Samuel Sewall exempt from payment of, . . . . .	248
printing tax acts, . . . . .	314
petition of Peter Coffin and others of Newbury to be exempt from, as to meeting-house, . . . . .	344
Moses Curtis exempt from paying, at Stoughton as to the ministry, . . . . .	352



**TAXES — continued.**

petition of Quakers of Uxbridge to be exempt from, as to the ministry, . . . . .	361
stay of proceedings in the case, . . . . .	361
for building a meeting-house at North Yarmouth, . . . . .	421
power to assess and collect, in Pennacook, . . . . .	430
Westford and Bedford to be assessed for, . . . . .	440
inhabitants of Westford and Bedford to pay their proportion of the county, . . . . .	446
on unimproved land in Hopkinton, . . . . .	449
inhabitants set off from Dedham exempt from, in Dedham, . . . . .	462
power to committee in Brimfield as to, . . . . .	511
power to John French and Henry Joslyn to collect, at Attleborough, . . . . .	523
persons living near boundary of Rhode Island not to pay, until boundary is settled, . . . . .	532
confirming the assessment of Sandwich, . . . . .	553
petition of selectmen of Attleborough to tax non-residents, . . . . .	554
to be levied equally on all the lots at Pennacook, . . . . .	559
power to raise a tax in Lower Town on Housatonic River, . . . . .	561
to be levied equally on all grantees of the Lower Town on Housatonic River, . . . . .	561, 640
persons living near boundary of New York to be exempt from, until boundary is settled, . . . . .	562
expense of prosecution for levying, in Attleborough, . . . . .	567
persons east of Pawtucket River to pay, to this Province, . . . . .	591
abatement of ministerial:	
in Lancaster, . . . . .	593
in Groton, . . . . .	593
in Stow, . . . . .	593
abatement of county:	
in Medford, . . . . .	602
assessing the Province, in Raynham and Taunton, . . . . .	622
ministerial, to be collected from certain families in Newbury, . . . . .	627
overcharged in Hadley:	
difference remitted, . . . . .	630
constables arrested for collecting, . . . . .	651
petition of Simeon Butler for relief from, . . . . .	656
power to collector of North Yarmouth as to, . . . . .	664
county tax at Falmouth, . . . . .	669
town of Harvard to pay Province and county, to Lancaster, Groton and Stow, . . . . .	678
power to levy and collect, in Townsend, . . . . .	683
power to levy and collect, in Dudley, . . . . .	690
petition of Nathaniel Kingsbury as to, . . . . .	692
petition of fishing towns for relief from, . . . . .	693
report of a draft of a letter to Agent Wilks as to, on fishing towns, . . . . .	758
selectmen of Boston to choose collectors of, . . . . .	736
conflict in regard to, over Gore of land at Attleborough, . . . . .	754
power to constables as to, on the inhabitants of the Gore of land at Attleborough, . . . . .	755
expenses of constables as to collecting, in Attleborough, . . . . .	757
petition for release from, as to building a meeting-house in Dedham, . . . . .	761
assessments made by committee for west precinct in Yarmouth valid, . . . . .	767
power to proprietors of New Medfield as to assessments, . . . . .	770
act as to selling land for payment of, . . . . .	793
<b>THANKSGIVING.</b>	
appointment of, . . . . .	374

**THEFT.**

of the lighthouse boat, . . . . .	302
by an Indian of Dr. Boylstone's horse and tackling, . . . . .	311
prosecution for, . . . . .	741

**THOMAS AND SARAH, the brigantine.**

John Leat, master:	
duties on cargo of wine, . . . . .	439

**THREAD.**

for Indian trade at Biddeford, . . . . .	241 note
------------------------------------------	----------

**TIMBER.**

on Shewamet ministerial lands, . . . . .	44
for repairs at Fort George, . . . . .	111
cutting of, by the English, . . . . .	147 note
cutting and drawing of, . . . . .	284
boom across the Merrimac River to secure, . . . . .	285
strip or waste of, at Hassanimisco, . . . . .	343
for repairs at Castle William, . . . . .	411
great damage to, trade owing to the bridge over Charles River, . . . . .	544, 545
strip or waste of, belonging to the Indians of Titticut, . . . . .	730

**TOBACCO.**

for Indian trade at Biddeford, . . . . .	241 note
percentage allowed for waste on, retailed, . . . . .	252
allowance to Col. John Schuyler for, taken up by Capt. Joseph Kellogg, . . . . .	331
allowance for, for Indian messengers, . . . . .	346

**TONNAGE.**

duty of, of vessels from Nova Scotia, . . . . .	628
-------------------------------------------------	-----

**TOOLS.**

sale of land to buy, etc., . . . . .	550, 731
--------------------------------------	----------

**TOWN CLERK.**

William Whittier, . . . . .	141
-----------------------------	-----

**TOWN HOUSE. (See Court House.)**

**TOWN OFFICERS.**

to be chosen, . . . . .	41, 101, 145, 171, 179, 185, 236, 256, 307, 336, 352, 438, 505, 548, 559, 561, 570, 640, 651, 663 <i>bis</i> , 692, 695, 697, 747, 788
confirmed in their respective offices, . . . . .	42

**TOWN OR PRECINCT MEETINGS.**

power to call, to choose officers:	
at Kingston, . . . . .	41
at Sudbury, . . . . .	42
at Stoughton, . . . . .	101
at Hanover, . . . . .	145
at Uxbridge, . . . . .	171
at Southborough, . . . . .	179
at Provincetown, . . . . .	185
at Shrewsbury, . . . . .	236
at Leicester, . . . . .	256
at Framingham, . . . . .	307
at Middleton, . . . . .	336
at Lunenburg, . . . . .	352
at Haverhill, . . . . .	368
at Medford, . . . . .	401
at Bedford, . . . . .	438
at Woburn, . . . . .	490, 518
at Wilmington, . . . . .	505
at precinct set off from Dedham and Stoughton, . . . . .	516
at Brimfield, . . . . .	548
at Pennacook, . . . . .	559, 692, 788
at Lower Town of Housatonic River, . . . . .	561, 640
at Raynham, . . . . .	570
at Rowley, . . . . .	622
at York, . . . . .	636
at Dudley, . . . . .	651
at Townsend, . . . . .	663
at Harvard, . . . . .	663
at Nottingham, . . . . .	695
at North Yarmouth, . . . . .	697

# TOWN OR PRECINCT MEETINGS— *continued.*

power to call, to choose officers — <i>continued.</i>	
at new town above Northfield, . . . . .	704
at new town near Rutland, . . . . .	704
at new town on Merrimac River, . . . . .	705
at Sheffield, . . . . .	747
power to call, to choose selectmen:	
at Dunstable, . . . . .	493
warrant for calling:	
not sealed, . . . . .	59
petition of Dunstable proprietors in regard to a,	112
at Framingham, illegally obtained, . . . . .	213
at Medford, illegally obtained, . . . . .	263
illegal proceedings in, at Medford as to the seats	
in the new meeting-house, . . . . .	401
in Medford declared null and void, . . . . .	401
power to selectmen of Medford to regulate vote	
for the choice of the moderator, . . . . .	401
in Chelmsford declared null and void, . . . . .	459

## TOWN VOTES.

confirmation of, making Annisquam a separate precinct, . . . . .	314
------------------------------------------------------------------	-----

# TOWNS (creation of towns, precincts or plantations).

Wrentham, . . . . .	8, 143
Plymouth, north precinct to be called Kingston, . . . . .	13
Oxford, . . . . .	23, 624
Sutton, . . . . .	23, 765
Chelmsford, . . . . .	28
Duxbury, . . . . .	33, 789
power to, to lay out land, . . . . .	789
Marshfield, . . . . .	33, 453, 557, 654, 726, 763
Scituate, . . . . .	39, 73, 87, 453, 557, 654, 726, 763
petition of divers inhabitants of, to be a town, . . . . .	557, 654, 726
to be revived, . . . . .	737
appointment of committee as to, . . . . .	763
Abington, . . . . .	39, 73, 781
Bradford, . . . . .	40, 165
Sudbury, . . . . .	42, 497, 529
Pennacook (now Rumford), . . . . .	53, 430, 559, 643, 768, 788
North Yarmouth, . . . . .	67, 509, 635 <i>bis</i> , 641, 659, 667, 797
Framingham, . . . . .	68
petition to divide, into two townships, . . . . .	535
petition to divide, into two precincts, . . . . .	546
Mendon, . . . . .	85, 765
Hingham, . . . . .	87
Stoughton, . . . . .	101, 368, 514
Dedham, . . . . .	102, 175, 368, 462, 514, 721
petition of west part to be a separate precinct	
but not to maintain a minister, . . . . .	462
part of, and part of Stoughton to be made a pre-	
inct, . . . . .	514
Dorchester, . . . . .	102
Dunstable, . . . . .	112, 661
petition of inhabitants of east side of Merrimac	
River to be a precinct, . . . . .	661
Swansea, . . . . .	115
Brimfield, . . . . .	127, 133, 265, 417, 548
Brookfield, . . . . .	137, 256, 485
Leicester, . . . . .	137, 256, 485
Malden, . . . . .	138, 693
petition of south part of, to be a precinct, . . . . .	693
Reading, . . . . .	138, 451, 560, 629
Bellingham, . . . . .	143, 788
Hanover, . . . . .	145
Salem, . . . . .	158
Andover, . . . . .	158
Topshfield, . . . . .	158

# TOWNS (creation of towns, precincts or plantations) — *continued.*

Boxford, . . . . .	158
petition of inhabitants of, to be a town, . . . . .	158
Uxbridge, . . . . .	171, 765
Northfield, . . . . .	177, 728
Southborough, . . . . .	179
Provincetown, . . . . .	185
Woburn, . . . . .	193, 253, 326, 451 <i>bis</i> , 488, 490
petition of inhabitants of northwest part of, to	
be revived, . . . . .	253
part of, called Goshen, . . . . .	326
committee as to, and Reading, . . . . .	451
committee as to the northwest part of, . . . . .	451
committee's report as to the northwest part of, . . . . .	488
Shrewsbury, . . . . .	236
Hadley, . . . . .	243, 668, 722, 779
precinct on south side of Mt. Holyoke, . . . . .	243, 668
new, at Turkey Hills, . . . . .	246, 329
North Town of Turkey Hills, . . . . .	333, 374, 556, 582
Taunton, . . . . .	257, 284, 300
petition of inhabitants of the westerly and	
northeasterly parts of, to be a separate	
precinct, . . . . .	257
distressed condition of, . . . . .	284
petition of inhabitants of the eastern part of, to	
be a separate precinct, . . . . .	400
petition of inhabitants of west part of, to be a	
separate precinct, . . . . .	502
two new, at Housatonic, . . . . .	276
settlement of land at the Lower, . . . . .	462, 498, 561, 728
Watertown, . . . . .	305, 438, 553
Weston, . . . . .	305, 438
Gloucester, . . . . .	314
part of, called Annisquam to be a separate pre-	
inct, . . . . .	314
certain, in Suffolk and Middlesex counties to be a	
new county, . . . . .	324, 532, 717
Concord, . . . . .	329, 345, 384
petition of Benjamin Stone and others to be a	
separate precinct, . . . . .	776
Billerica, . . . . .	329, 345, 384, 701, 767
petition of sundry inhabitants of, and Lexing-	
ton to be a precinct, . . . . .	345
report of committee as to the new town to be	
taken from, . . . . .	384
petition of inhabitants of north and northeast	
part of, to be a separate town, . . . . .	766
petition of inhabitants on east side of Shawshine	
River to be annexed to Wilmington, . . . . .	767
Middleton, . . . . .	336
on south side of Mt. Holyoke, . . . . .	351
land granted for a, to volunteers against the In-	
dians, . . . . .	355, 434, 724, 726
Falmouth, . . . . .	360, 438, 732
claiming title under pretended grants of the	
town, . . . . .	360
south part of, made a separate precinct, . . . . .	732
Haverhill, new precinct, . . . . .	365
west part of south precinct to be a separate pre-	
inct, . . . . .	789
Lunenburg, . . . . .	372, 448
land allowed as an equivalent for land taken for	
Lancaster new grant, . . . . .	372
for Narragansett soldiers:	
number three, Amherst, N. H., . . . . .	378
number two, Westminster, Mass., . . . . .	378
number one, Buxton, Maine, . . . . .	769
number seven, Gorham, Maine, . . . . .	770
number six, Templeton, Mass., . . . . .	771

**TOWNS** (creation of towns, precincts or plantations) — *continued*.for Narragansett soldiers — *continued*.

number five, Bedford, N. H., . . . . .	772
number four, Goffstown, N. H., . . . . .	785
Sunderland, . . . . .	423
Newbury, . . . . .	424, 486, 583
division of west precinct into two precincts, . . . . .	583
Braintree, . . . . .	433, 781
Bedford, . . . . .	438
Kittery, . . . . .	454, 471, 484
petition of inhabitants of middle part of, to be a separate precinct, . . . . .	454
committee appointed as to, . . . . .	471
Marlborough, . . . . .	455
Stow, . . . . .	455, 482, 497, 516, 529, 593
Sumcook, . . . . .	459
Rowley, . . . . .	477, 486, 570, 581
petition of northwest inhabitants of, to be a separate precinct, . . . . .	477, 570, 581
new precinct in, . . . . .	618
Lancaster, . . . . .	482, 516, 568, 593
petition of the northeast part to be a town, . . . . .	568
petition of certain inhabitants to be continued in, . . . . .	569
report of committee as to several petitions of, Groton and Stow, . . . . .	593
Groton, . . . . .	482, 516, 593
petition of sundry inhabitants of, and Stow to be made a separate township, . . . . .	482, 516, 529
certain, in counties of Suffolk and Plymouth to be a new county, . . . . .	512
Bridgewater, . . . . .	520
Wilmington, . . . . .	560, 701
Dighton:	
petition of inhabitants of east part of, to be a separate town, . . . . .	503
Raynham, . . . . .	570
petition of inhabitants near Oxford to be a town, . . . . .	582, 621, 629
Plympton, . . . . .	768
division of, into two precincts, . . . . .	583, 615
more time allowed the agents of, to prepare an answer, . . . . .	617
petition of inhabitants of south part of, to be a separate town, . . . . .	652, 662
new precinct in, . . . . .	676
Berwick, . . . . .	589, 625
Norton:	
certain inhabitants of, set off for a precinct, . . . . .	594
York:	
petition of west part to be a precinct, . . . . .	636
land on Ware River for a, . . . . .	656
Cambridge, . . . . .	664
petition of inhabitants of northwest part of, to be a precinct, . . . . .	664
new precinct in, . . . . .	693
Methuen, . . . . .	676
Sutfield, . . . . .	696, 752
new town on the east side of Connecticut River, . . . . .	697, 725
Paquoig, on Miller's River, . . . . .	701, 703, 744, 758, 782, 787, 792
to be in Worcester County, . . . . .	782
two new, on Ashuelot River, . . . . .	701, 703, 744, 758, 781, 787, 792
confirming of, . . . . .	781
one new, at the head of Berwick, . . . . .	701, 703, 758, 778
new, on Contoocook River, . . . . .	714
land for, confirmed to John Bennet and others, . . . . .	726
to be in Worcester County, . . . . .	782

**TOWNS** (creation of towns, precincts or plantations) — *continued*.

Roxbury, . . . . .	734
new precinct in, . . . . .	734
Hopkinton, . . . . .	765
Pembroke, . . . . .	768
Middleborough, . . . . .	768
petition of divers inhabitants of Plympton and of, to be a township, . . . . .	768
Enfield:	
east precinct of, a separate town, . . . . .	796

**TRADE.**

allowance to the Treasurer for negotiating the Indian, . . . . .	15
goods needed at St. George's River and Richmond Fort for Indian, . . . . .	31
5 per cent. only on Indian, . . . . .	62
Treasurer's accounts of the Indian, . . . . .	70, 226, 439, 480, 657, 784 <i>bis</i>
£2,000 to be added to the stock for Indian, . . . . .	90
loading of masts at Winter Harbor or Casco Bay, . . . . .	91
£1,000 to be advanced to the stock for Indian, . . . . .	259
truck-master for managing the Indian, at St. George's River, . . . . .	98, 244
truck-master for managing the Indian, at Richmond, . . . . .	98, 192, 244
account of goods purchased for Indian, . . . . .	155, 439
trust or credit forbidden in Indian, . . . . .	199, 201
memorial about a medium of, . . . . .	212, 290
trading-house on Saco River for Indian, . . . . .	238
goods for Indian, at Biddeford, . . . . .	241
peltry, with the Eastern Indians, . . . . .	244, 319
additional allowance to Capt. John Gyles for services as to the Indian, . . . . .	256
servant to assist the truck-master at St. George's River in the Indian, . . . . .	259
goods for, with the Western Indians, . . . . .	330
allowance to Capt. Samuel Jordan for services as to the Indian, . . . . .	350
house to be built at Richmond for Indian, . . . . .	371
boat for transporting stores for, . . . . .	392
Indians not to be wronged in, . . . . .	392
guard for goods for Indian, at truck-house, Saco River, . . . . .	397
unlawful, with the Indians, . . . . .	400
complaint as to abuses of the Indian, . . . . .	412
Treasurer to supply truck-masters with goods for Indian, . . . . .	426
stock for Indian, to be made good, . . . . .	524
prevention of, to the French and Dutch islands, . . . . .	535
bridge over Charles River injurious to, . . . . .	544 <i>bis</i> , 545 <i>bis</i>
short measure in cloth purchased for Indian, . . . . .	601
draft of, for managing the Indian, . . . . .	660

**TRADESMEN.**

allowance for work by, . . . . .	55
----------------------------------	----

**TRADESMEN'S BILLS.**

allowance for, . . . . .	77, 124
--------------------------	---------

**TRADING.**

by truck or barter, . . . . .	212
-------------------------------	-----

**TRADING-HOUSES.** (*See* Truck-houses.)**TRANSPORTATION.**

of Penobscot Indians, . . . . .	59
of a negro man, . . . . .	164
gundelo hire for, of wood, . . . . .	175
of baggage, . . . . .	190
of Indians, . . . . .	194, 334
sloop hire for, of Indians, . . . . .	204
of public stores, . . . . .	320, 341
of the court records, . . . . .	399
of books and papers, . . . . .	419

**TRANSPORTS.** (*See Vessels.*)

bills of credit emitted for defraying expenses  
of, . . . . . 34, 91, 264, 321, 363, 435

**TRAPS.**

steel, for Indian trade at Biddeford, . . . 241 note

**TRAVELLING EXPENSES.**

allowance to Thomas Hallet for, . . . . 22  
on Indians to Salem, . . . . . 22  
allowance to Col. Johnson Harman for, . . . 203  
allowance to John Dorrell for, . . . . 432

**TREASURERS.**

of the Province:

Jeremiah Allen:

allowance to, for negotiating the Indian trade, 15  
allowance of his accounts, 16, 144, 315, 439, 479, 657  
allowance for services, 49, 118, 182, 222, 288, 328,  
442, 478, 533, 746

to advance money:

for victualling the garrison at Castle Wil-  
liam, . . . . . 25, 78, 160, 229, 301  
and invest in goods for Indian trade, . . . 31  
for Indian trade, . . . . . 99, 239  
to carry on the manufacture of duck or  
canvas, . . . . . 241  
to defray expenses of committee to wait on  
Gov. William Burnett, . . . . . 337  
out of the Indian stock for trade, to buy  
provisions, . . . . . 667  
to supply stores at Castle William, 28, 159, 311, 383  
to give instructions for sale of goods, . . . 31  
bills of credit emitted by, . . . 34, 91, 170, 264, 321,  
363, 435

to pay vender premiums allowed for raising  
hemp, . . . . . 37  
to provide stores and supplies, . . . . . 51  
to supply stores for blockhouse, St. George's  
River, . . . . . 66, 199, 347, 384  
discharged of, as to provisions, etc., for  
soldiers in the eastern frontiers, . . . 70, 224  
accounts by, of Indian trade, 70, 226, 319, 439, 480,  
657, 784 *bis*

to discharge the constable of the amount of  
Province tax collected, . . . . . 71  
discharged of, as to worn-out bills and bills  
burned, . . . . . 72, 238, 542, 762  
to purchase bills of exchange, . . . . . 89, 624  
power to, to take Capt Timothy Dwight's  
bond for return of goods, . . . . . 110  
to send provisions for the Indians on Kenne-  
bec River, . . . . . 152  
to account for the balance of the Indian  
trade, . . . . . 155  
to stop wages of four soldiers, . . . . . 162  
to provide stores, etc., for persons attending  
the Lieut. Governor at the treaty, . . . 164  
products receivable as money by the, for pay-  
ment of taxes, . . . . . 170  
to supply the goods for a present to the  
Indians, . . . . . 171  
to furnish supplies for the Indians, . . . 178  
to procure armorers for the truck-houses, . 190  
to pay premium for hemp to Thomas Moore  
conditionally, . . . . . 205  
power to, to send to England for weights and  
measures, . . . . . 205  
to purchase goods to supply the Indians, . 214  
to send goods for Indian trade, . . . . . 241  
to exchange ten shilling bill of credit, . . 238  
to make restitution to the Indians by purchas-  
ing goods acceptable to them, . . . . 244

**TREASURERS — continued.**

of the Province — continued.

Jeremiah Allen — continued.

to furnish provisions for families of Indian  
messengers, . . . . . 251  
to purchase goods for the Penobscot Indians, 261  
to furnish gunpowder, etc., for blockhouse  
at St George's River, . . . . . 261  
to furnish presents for the Indian chiefs, . 289  
power to, to pay the treasurer of Bristol  
County the premium for linen, . . . . 230  
to sell the beaver left by the Indians, . . 316  
to reimburse the treasurer of Hampshire  
County for premiums paid on linen, . . 322  
to purchase European and West India goods  
for supplying the Western Indians, . . 330  
to notify the commissioners for letting out  
£100,000 loan to render their accounts, . 366  
to deliver £5 bill of credit to Olin Boardman, 399  
to supply the truck-masters with goods for  
Indian trade, . . . . . 426  
to supply agents of the Province in England  
with funds for use of this Province, . 499, 500  
to send furs to Francis Wilks, agent, . . 524  
allowance to, for cost of suit against William  
Beard for bringing smallpox to Boston, . 567  
to supply stores at Fort George, . . . . 593, 595  
to supply stores at fort at St. George's River, 596  
to supply stores at fort at Richmond, . . 596  
to supply stores for the sloop Endeavor, . 598  
to supply materials for repairing blockhouse  
above Northfield, . . . . . 601  
to exchange defaced bills of credit, 606, 677, 738, 795  
to allow for bills of credit burned, . . . 615  
to supply stores for truck-house on Saco River, 620  
to send warrants to the assessors of Raynham  
and Taunton, . . . . . 622  
power to, to receive bills of credit signed by  
three hands, . . . . . 733

of the counties:

Barnstable:

Ebenezer Lewis, 7, 135, 337, 422, 486, 588, 667, 713

Essex:

John Appleton, . . . . . 7, 159, 358, 428, 500, 641, 686

Hampshire:

John Howley, . . . . . 7  
Joseph Hawley, . . . . . 136, 299, 717  
allowance to reimburse the, for premiums  
paid on linen, . . . . . 322

York:

Daniel Simpson, . . . . . 8, 159  
Joseph Moody, . . . . . 589, 669, 742

Middlesex:

Daniel Russell, 8, 138, 300, 418, 476, 591, 670, 717

Bristol:

Capt. William Throop, . . . . . 9, 135, 316, 418  
Samuel Howland, . . . . . 476, 587, 725  
Timothy Fales, . . . . . 675

Dukes:

Ebenezer Allen, . . . . . 66, 476  
Enoch Coffin, . . . . . 732

Plymouth:

Capt. John Dyer, . . . . . 135, 299, 478, 621, 700

Suffolk:

Samuel Checkley, . . . . . 138, 315, 418, 641

Worcester:

Jonathan Houghton, . . . . . 651, 713

**TREASURERS' WARRANTS.**

allowance for printing, . . . . . 11, 314  
allowance for sending, . . . . . 77, 253, 281, 339

**TREATY.**

ratification of the:	
members of both houses to attend Lieut. Governor at the, . . . . .	46
stores, etc., for members attending Lieut. Governor at the, . . . . .	51, 164
encouragement to volunteers to attend Lieut. Governor at the, . . . . .	54
present for the Indians at the, . . . . .	58, 171
allowance to Lieut. Governor for services at the, . . . . .	63, 193
allowance for expense of members attending Lieut. Governor at the, . . . . .	63, 191
allowance to John Wainwright for services to Lieut. Governor at the, . . . . .	64, 193
pilot of the vessels attending Lieut. Governor at the, . . . . .	64
services of the guard attending Lieut. Governor at the, . . . . .	64
expenses eastward at the, . . . . .	65
services of persons attending the Lieut. Governor at the, 65, 76, 77 <i>bis</i> , 146, 209, 226 <i>bis</i> , 254	254
chaplain at the, . . . . .	65
allowance for beer for Lieut. Governor and others at the, . . . . .	66
medical services for persons attending the Lieut. Governor, . . . . .	80, 215
express to inform the chiefs as to Lieut. Governor attending the, . . . . .	84
Andrew Anderson wounded on a sloop attending the Lieut. Governor at the, . . . . .	94, 157
interpreter at the, . . . . .	105
unlawful selling of liquor to Indians at the, . . . . .	107
damage to bell in the vessel in which the Lieut. Governor went to the, . . . . .	123
allowance for delivering public stores to soldiers at the, . . . . .	142
guard for the Lieut. Governor at the, . . . . .	173, 190
pilot to the ship Martha Galley that attended the Lieut. Governor at the, . . . . .	186
allowance to waiters, etc., attending the Lieut. Governor at the, . . . . .	191, 205
allowance for hire of the ship Martha Galley attending the Lieut. Governor at the, . . . . .	193
allowance for provisions for Lieut. Governor and others at the, . . . . .	196
services of soldiers attending Lieut. Governor at the, . . . . .	197
allowance for services in delivering liquors, etc., at the, . . . . .	203
wages allowed soldier in service at the, . . . . .	206

**TREES.**

cutting of, prohibited, . . . . .	44
cutting of, royal license for, . . . . .	91
cutting, on the common lands in York, . . . . .	582

**TRESPASS. (See Waste.)**

action of, and ejectment, . 33, 44, 47, 108, 255, 263, 300, 320, 488, 498, 508, 582	
entering and taking possession of a house, . . . . .	234
trustees to prosecute any who, upon land belonging to the Hassanimisco Indians, . . . . .	343
failure to enter an action of, on day required by law, . . . . .	498

**TRESPASSERS.**

on ministry lands in Shewamet, . . . . .	44
power to prosecute, in Methuen, . . . . .	385
allowance to committee for prosecuting, in Methuen, . . . . .	394
on Indian land at Titticut, . . . . .	730

**TRUCK OR BARTER. (See Trading.)**

**TRUCK-HOUSES. (See Blockhouses.)**

at St. George's River:	
goods needed at, for Indian trade, . . . . .	31
house to be used as, . . . . .	95
truck-master to manage trade at, . . . . .	95
rate allowed per annum, . . . . .	98, 748
armorer for, . . . . .	190
Capt. John Gyles, commander:	
care of stores by, . . . . .	202
interpreter in the Indian affairs, . . . . .	202
to furnish supplies for the Indians, . . . . .	414
muster-roll of garrison at, . . . . .	495
Capt. Thomas Smith, truck-master at:	
forbidden to give credit to the Indians, . . . . .	199
money paid by, for provisions, etc., . . . . .	200
Abraham Johnson to be posted at, . . . . .	246
supplies for, . . . . .	252
repairs at, . . . . .	261
lodging for chaplain at, . . . . .	261
shop for armorer at, . . . . .	261
storehouse for, . . . . .	414
house for chaplain at, . . . . .	414
allowance to chaplain at, . . . . .	761
at fort at Richmond:	
house to be used as, . . . . .	95
truck-master to manage trade at, . . . . .	98
rate allowed per annum, . . . . .	98, 748
interpreter to the Indians at:	
allowance to Lieut. Joseph Bane for services as, . . . . .	190
armorer for, . . . . .	190
chaplains at, . . . . .	178, 195
Moses Hale, . . . . .	195
John Sumner, . . . . .	195
allowance to, . . . . .	195
allowance to Capt. Joseph Heath for entertaining Indians at, . . . . .	494
on Saco River:	
dimensions of, etc., . . . . .	238
power to build, . . . . .	279
allowance for articles necessary for building, . . . . .	344
allowance for building, . . . . .	377, 434
men to be enlisted and posted at, . . . . .	397
Capt. Thomas Smith elected truck-master at, . . . . .	399
muster-roll of garrison under, . . . . .	420, 457, 507
Treasurer to supply, with goods for Indian trade, . . . . .	426
to have charge of finishing, . . . . .	464
allowance to, for entertainment of Indian delegates, . . . . .	507
allowance to, for wood, . . . . .	507
allowance to, for building, . . . . .	510
allowance for:	
repairs at, . . . . .	425
services of men at, . . . . .	446
services of interpreter at, . . . . .	550
indent of stores for, . . . . .	620
above Northfield, on the Connecticut River:	
committee as to locating a, at the blockhouse, . . . . .	266
goods to be transported to, . . . . .	330
Capt. Joseph Kellogg elected truck-master at, . . . . .	333
rate allowed per annum, . . . . .	334
to build a house for the Indians near, . . . . .	392
Treasurer to supply truck-master with goods for Indian trade at, . . . . .	426
liberty to, to sell beaver skins that he may buy of the Indians, . . . . .	426
muster-roll of garrison at, . . . . .	501

**TRUCK-MASTERS.**

at St. George's River :	
Edmund Mountfort :	
goods needed by, for Indian trade, . . . . .	31
instructions to, same as before, . . . . .	31
peltry remitted by, . . . . .	70
allowance to, for services, . . . . .	158
allowance per annum for, . . . . .	98
Capt. Thomas Smith :	
forbidden to give credit to the Indians, . . . . .	199, 201
money paid by, for provisions, etc., . . . . .	200
allowance for services, . . . . .	304
Capt. Samuel Wainwright :	
elected, . . . . .	244
to deliver provisions to families of Indian	
messengers, . . . . .	251
servant to assist, . . . . .	259
at Richmond :	
Capt. Joseph Heath :	
goods needed by, for Indian trade, . . . . .	31
instructions to, same as before, . . . . .	31
elected, . . . . .	244
to deliver provisions to families of Indian	
messengers, . . . . .	251
percentage allowed, for waste on goods re-	
tailed, . . . . .	252
may entertain Indians at Province charge, . . . . .	252
allowance to, for entertaining the Indians, . . . . .	494
allowance per annum for, . . . . .	98
forbidden to trust or give credit to the Indians, . . . . .	201
Jabez Bradbury :	
elected, . . . . .	652
at truck-house above Northfield on the Connecticut	
River :	
to have care of goods for Indian trade, . . . . .	330
to procure provisions in Hampshire County, . . . . .	330
Capt. Joseph Kellogg :	
elected, . . . . .	332
rate allowed per annum, . . . . .	334
to build a house for Indians, . . . . .	392
to dispose of skins, etc., to the best advantage, . . . . .	392
Treasurer to supply, with goods for Indian	
trade, . . . . .	426
liberty to, to sell beaver skins, . . . . .	426
allowance to, for goods lost, etc., . . . . .	601
at Biddeford :	
Capt. Samuel Jordan :	
goods for Indian trade sent to, . . . . .	214, 241
allowance to, for services, etc., . . . . .	350
at truck-house on Saco River :	
Capt. Thomas Smith :	
elected, . . . . .	399
Treasurer to supply goods to, . . . . .	426
to have charge of finishing, . . . . .	464
instructions to, . . . . .	660 <i>bis</i>

**TRUCK STORES.**

provisions out of, . . . . . 73

**TRUMPETER.**

pay of, . . . . . 531

**TRUST.**

breach of, . . . . . 75, 547

**TRUSTEES.**

for letting out £50,000 loan :	
acceptance of accounts of, . . . . .	51
to cancel mortgage on certain terms, . . . . .	107
removal from a trust, . . . . .	75
for Indians of Puncapaug :	
John Quinecy, . . . . .	113
allowance to, for services, . . . . .	463
account by, allowed, . . . . .	694

**TRUSTEES — continued.**

appointment of, to fill vacancies, . . . . .	149
for children of Ann Marsh, . . . . .	156
power to, as to estate of Elizabeth Wakefield, . . . . .	223
for Indians of Hassanimisco :	
to let out purchase money, interest of which to	
be paid to the Indian proprietors, . . . . .	233
to render an account annually, . . . . .	233
power to, to pay interest money for support of	
Indian proprietors, . . . . .	283
power to lay out seven proprietors' shares, . . . . .	299
report of, . . . . .	343
power to prosecute trespassers, . . . . .	343
discharged as to their accounts, . . . . .	422, 599, 755
to pay John Matthews for medicine, etc., . . . . .	430
account of the interest money by, . . . . .	483
account of, allowed, . . . . .	689
Henry Rolfe with Rachel Whitten, for children of	
the latter, . . . . .	250
for Indian proprietors of Oyster Island :	
appointment of, . . . . .	260
to assist in sale of land, etc., . . . . .	260
to sell land belonging to the late William Rawson, . . . . .	270
for Indians of Natick :	
to see justice done as to sale of land, . . . . .	311, 317, 318,
358, 360, 365, 367, 376, 449, 452, 457, 458, 501,	
566, 602, 751	
power to put money at interest, . . . . .	753
of Edward Hopkins' legacy :	
unimproved land in charge of the, not to be	
taxed, . . . . .	436, 449
for Indians of Middleborough :	
to see justice done as to sale of land, . . . . .	453, 625
appointed for widow and children of Rev. Daniel	
Baker, . . . . .	642
power to, to sell land, . . . . .	642
for Indians of Titticut :	
appointment of, to see justice done as to sale of	
land, . . . . .	730
power to, to prosecute trespassers, . . . . .	730
for Chelmsford and Westford :	
power to elect, for letting out part of £60,000	
loan, . . . . .	763

**TRYAL, the sloop.**

Samuel Duty, master, . . . . .	84
taken by pirates, . . . . .	84
master and others overpowered the pirates, . . . . .	84

**TURKEY HILLS.**

purchase and sale of land in, . . . . .	139
lot purchased in south part of, . . . . .	230
committee to produce their books and accounts as	
to lots at, . . . . .	246
report of committee as to the affairs of, . . . . .	267
committee as to meeting-house in the South Town	
in, . . . . .	281
report of, . . . . .	348
report of committee appointed to examine the ac-	
counts, etc., of the committee for, . . . . .	329
exchange of lots at, . . . . .	329
forfeiture of lots at, . . . . .	329
committee for, to repay Jonathan Whitney for	
the lot forfeited, . . . . .	334
expense of witnesses attending the committee	
on, . . . . .	342
committee appointed to settle North Town of, . . . . .	353, 556
unimproved land in North Town in, to be taxed as	
to the ministry, . . . . .	374
committee as to boundary of North Town of, . . . . .	556,
582, 626	
power to committee to assess North Town of, . . . . .	562

**TURKEY HILLS — continued.**

- plat of North Town of, to be further considered  
in May session next, . . . . . 628
- plan of North Town of, accepted conditionally, . 653

**TURPENTINE.**

- receivable in payment of taxes, . . . . . 170
- petition for a new trial referring to, sold, . . 397

**U.**

**UNFINISHED BUSINESS.** (*See* Appeal or New Trial, Hearings, Justices, Review, Writ of.)

- petition of:
  - Duxbury and Marshfield referred to next session, . . . . . 33
  - inhabitants of Scituate and Abington referred to next fall session, . . . . . 39
  - Andrew Andrews referred to next session, . . 57
  - the north and west inhabitants of Framingham as to location of a meeting-house referred to next session, . . . . . 59
  - land claims of Indians referred to next session, . 62
  - power to continue to the next term any action as to the meeting-house in Framingham, . . 68
  - petition of Scituate as to the highway referred to next May session, . . . . . 87
  - consideration for provision as to a missionary for the Eastern Indians referred to next May session, . . . . . 92
- petition of:
  - Mary Trill complaining of a judgment referred to next May session, . . . . . 103
  - John Kilburn and others for a grant of land referred to next May session, . . . . . 105
  - heirs of Richard Middlecot as to partition of land referred to next May session, . . . . . 120
  - Christopher Almy referred to next May session, 126
  - Leicester as to boundary referred to next session, . . . . . 137
  - Isaac Oldham and Nathaniel Nichols referred to next session, . . . . . 151
  - John Moffat in regard to a judgment referred to next session, . . . . . 164
  - inhabitants of Dedham, south part, referred to next session, . . . . . 175
  - John Doane and others of Billingsgate as to the ministry referred to next session, . . . 209
  - George Williamson, agent for the inhabitants of Billingsgate, referred to next session, . . 210
  - inhabitants of Cohasset referred to next fall session, . . . . . 212
  - memorial about a medium of trade referred to next session, . . . . . 212
  - petition of John Jacobs of Cohasset to be further referred to next session, . . . . . 244
  - hearing on petition of Jonathan Whitney referred, 235
  - petition for annexation of families in Bridgewater to Easton referred to next session, . . . 261
  - petition of Edward Belcher for review of an action referred to next session, . . . . . 263
  - memorial of Capt. Joseph Kellogg proposing a trading-house at the blockhouse above Northfield referred to next session, . . . 266
  - petition of Jonathan Draper as to boundary referred to next May session, . . . . . 276
  - boundary of Maine to be referred to next May session, . . . . . 283
- petition of:
  - Joseph Priest for a new trial referred to next May session, . . . . . 284

**UNFINISHED BUSINESS — continued.**

- petition of — *continued.*
  - Samuel Hatch and others to be set off from Scituate referred to next fall session, . . 312
  - William Jennison to have certain towns in counties of Suffolk and Middlesex erected into a separate county referred to next fall session, . . . . . 324
  - inhabitants of Medfield and others for land for a new town referred to next fall session, . 324
  - inhabitants of northeast part of Woburn to be a separate precinct referred to next fall session, . . . . . 326
  - divers inhabitants of Concord and Billerica to be a separate township referred to next session, . . . . . 329
  - Moses Curtis to be set off from Stoughton to Braintree referred to next session, . . . 333
  - Joseph Cook for confirmation of deed referred to next session, . . . . . 335
  - William Vinning as to his imprisonment referred to next session, . . . . . 354
  - Falmouth proprietors referred to next session, . . . . . 360, 438, 450, 480
- consideration of Thomas Wharton's account referred to next fall session, . . . . . 360
- hearings appointed for the fall session to be heard in the present session, . . . . . 373
- petition of:
  - John Cowing referred to justices of superior court for county of Plymouth, . . . . . 386
  - Susannah Harris to sell land referred to next May session, . . . . . 388
- petition as to mistake in confirmation of land in Sutton referred to the next May session, . 394
- petition of:
  - Jacob Wyman for a new trial referred to next May session, . . . . . 397
  - inhabitants of eastern part of Taunton to be a separate precinct referred to next May session, . . . . . 400
  - Josiah Kingsbury as to purchase of land referred to next session, . . . . . 412
  - inhabitants of Brimfield referred to next session, 417
- petition as to annexing a farm to Marlborough referred to next session, . . . . . 455
- petition as to annexing a farm to Stow referred to next session, . . . . . 455
- petition of Thomas Richardson and others of Suncook referred to next May session, . . . 459
- bill entitled an act for retrieving and ascertaining the value of the bills of credit on this Province referred to next session, . . . 463
- petition of:
  - inhabitants of Marshfield and Scituate referred to next session, . . . . . 479
  - Benjamin Allen as to the Gore of land in Bridgewater, . . . . . 506
  - inhabitants of several towns in Plymouth and Suffolk counties to be a separate county referred to next session, . . . . . 512

**UNFINISHED BUSINESS—continued.**

petition of — <i>continued.</i>	
Edmund Hatch to be further considered, . . .	519
proprietors of Puncatawset Purchase referred to next session, . . . . .	530
Joseph Brown for a new trial to be continued to next session, . . . . .	543
Nehemiah Randall to file a complaint referred to next May session, . . . . .	546
committee as to the petition of Jonas Houghton and others to bring in their report at next May session, . . . . .	547
petition of:	
William Anthony for entering action of review continued to next term, . . . . .	547
William Pynchon and others of Brimfield referred to next May session, . . . . .	549
Job Almy as to settling bounds of Puncatawset Purchase referred to next May session, . . . . .	549
selectmen of Attleborough to tax non-residents referred to next May session, . . . . .	554
proprietors of Pennacook to be made a town referred to next May session, . . . . .	559
inhabitants of east part of Dighton to be made a town referred to next May session, . . . . .	563
Joseph Mallinson as to relief from a mortgage referred to next May session, . . . . .	566
inhabitants of northeastern part of Lancaster to be a separate town referred to the committee for petition of Jonas Houghton and others, . . . . .	568
inhabitants of northwestern part of Rowley to be a separate precinct referred to next May session, . . . . .	570
inhabitants of Gloucester as to meeting-house referred to next May session, . . . . .	572
committee as to North Town of Turkey Hills to report at the next fall session, . . . . .	582
petition of:	
Stephen and Jemima David to sell land referred to next session, . . . . .	604
proprietors of Berwick as to division of the common lands referred to next May session, . . . . .	625
plat of the North Town of Turkey Hills and report of committee as to Hathorn Farm referred to next May session, . . . . .	628
petition of:	
a committee for the north precinct in Scituate as to the meeting-house referred to next session, . . . . .	661
of Benjamin Hammond for an appeal referred to next May session, . . . . .	681
Nathaniel Kingsbury as to taxes referred to next May session, . . . . .	692
selectmen of Billerica referred for further consideration, . . . . .	701

**UNFINISHED BUSINESS—continued.**

memorial of William Pepperill as to land conveyed by deed of trust referred to next May session, . . . . .	705
petition of:	
certain towns to be made a separate county referred to next session, . . . . .	717
Elisha Johnson to be discharged from supporting bridges referred to next session, . . . . .	725
divers inhabitants of Marshfield and Scituate to be a town referred to next session, . . . . .	726, 737
John Turner to file a complaint referred to next session, . . . . .	727
Joseph Stockbridge for a writ of review, . . . . .	750
memorial of President and Fellows of Harvard College to sell land referred to next session, . . . . .	751
petition of John Hewlet to enter an appeal referred to next session, . . . . .	752
memorial of:	
John Robbins and others as to expenses of collecting taxes referred to next session, . . . . .	757
Henry Joslyn as to counsel for defence referred to next session, . . . . .	757
petition of:	
Joseph Ellis and others of Dedham to be released from tax as to a meeting-house referred to next session, . . . . .	761
John Hazelton and others of Mendon, Uxbridge, Sutton and Hopkinton to be a separate town referred to next May session, . . . . .	765
inhabitants of north and northeast part of Billerica to be a separate town referred to next session, . . . . .	766
inhabitants on east side of Shawshine River, Billerica, to be annexed to Wilmington referred to next session, . . . . .	767
divers inhabitants of Plympton, Pembroke and Middleborough to be a township referred to next May session, . . . . .	768
Nathaniel Fitch and others, executors of will of James Tisdale, for further time referred to next session, . . . . .	773
Henry Whitten for further time referred to next May session, . . . . .	774
Thomas Debuque for writ of review referred to next May session, . . . . .	775
Benjamin Stone and others of Concord to be a separate precinct referred to next May session, . . . . .	776
Stoncham as to a highway referred to next May session, . . . . .	784
settling place as to meeting-house in Dedham referred to next May session, . . . . .	797
petition of William Carley for a new trial referred to next May session, . . . . .	798

**V.****VENDER.**

to receive premium for raising hemp, . . . . .	37
<b>VESSELS.</b> ( <i>See Ships, Sloops.</i> )	
sloop George, a transport, . . . . .	10
sloop Merry Meeting, a transport in the service, . . . . .	31
sloop Dragon, a transport in the service, . . . . .	57, 61, 137
sloop Loyal Heart, . . . . .	58, 60, 62, 64
sloop Susannah, a transport, . . . . .	61
pilot of, in the eastern frontiers, . . . . .	64

**VESSELS—continued.**

sloop for Boston:	
James Gambel, master, . . . . .	71
cast away, . . . . .	71
company drowned, . . . . .	71
schooner belonging to James Parker ordered to carry an express, . . . . .	74
allowance for impressing, . . . . .	77
schooner impressed to go express, . . . . .	80



**VESSELS — continued.**

sloop Tryal taken by pirates, . . . . .	84
services of surgeon on sloop Endeavor, . . . . .	86
sloop loaded with lumber, . . . . .	122
damage to bell on vessel in service, . . . . .	123
impressment of men and horses to take a ship into custody, . . . . .	147
ship Charming Jenny, . . . . .	161
ship Morehampton, . . . . .	164
sloop Endeavor, a transport in the service, . 179, 257, 336, 386, 432, 494, 513, 598	
ship Martha Galley, . . . . .	186
sloop Martha, . . . . .	188
ship Eagle, . . . . .	201
sloop for carrying stores and transporting Indians, 204	
hire of, allowance for, . . . . .	204
from North Carolina ashore near the lighthouse, . 211	
sloop Greyhound, . . . . .	222 <i>bis</i>
Capt. Thomas Smith to go in the country's sloop to St. George's to inventory and deliver stores, . . . . .	261
brigantine Susannah, . . . . .	375
boat for transporting stores, . . . . .	392
sloop Maryland, . . . . .	439
brigantine Thomas and Sarah, . . . . .	439
ship Blanford, . . . . .	487
goods brought in, from Virginia attached for debt, 621	
duty of tonnage of, from Nova Scotia, . . . . .	628
ship Loving Unity, . . . . .	631
ship Scarborough, . . . . .	749
ship Mehetabel, . . . . .	764

**VICTUALLER.**

Lieut. John Larrabee, at Castle William, 21, 25, 78, 89, 155, 160, 229, 301, 380, 409, 449, 762	
Thomas Debuque, Boston, . . . . .	605, 760, 775

**VICTUALLING OR SUBSISTING.** (*See* Castle William, Eastern Frontiers, Fort George, Fort Mary, Fort at Richmond, Indians, Prisoners, Soldiers, Sailors or Men at Sea.)

Connecticut soldiers, . . . . .	10, 345
---------------------------------	---------

**VICTUALLING OR SUBSISTING — con-  
tinued.**

Rev. John Evelith, . . . . .	20, 161
Indian prisoner, . . . . .	33, 63, 78
an Indian soldier, . . . . .	54
Mohawk squaws, . . . . .	55
Indians on the Kennebec River, . . . . .	132
Indian hostages, . . . . .	181, 351
two deserters, . . . . .	194
Indian messengers, . . . . .	275, 346
families of Indian messengers, . . . . .	347
redeemed captives, . . . . .	351

**VOLUNTEERS.**

expense of raising, against the Indians, . . . . .	17
raising, to attend Lieut. Governor at the ratifi- cation, . . . . .	54
allowance to, besides subsistence, . . . . .	54
allowance to, injured, . . . . .	67
muster-roll of, . . . . .	85, 196, 190
raised and commanded by Capt. Seth Wyman, . 102	
provisions and clothing for, . . . . .	102
wounded by Indians, . . . . .	154
expense in enlisting Indian, . . . . .	163
land for a township to, for services against the Indians, . . . . .	355, 434, 724, 726
Thomas Farren and others added to the list, . . 724	

**VOTES.**

allowance for printing the, of the House of Repre- sentatives, 11, 77, 146, 267, 314, 380, 411, 461, 492, 529	
copy of, in north precinct of Bridgewater, suffi- cient, as if taken from the record, . . . . .	39
confirmation of, of York as to the new precinct, . 636	
precinct, as to rates, . . . . .	739
ratification of, by the court, . . . . .	739

**VOUCHER TO WARRANTY, . . . . . 263, 698**  
**VOYAGE.**

persons on fishing, taken by an Indian privateer, . 140	
stores, etc., for, eastward, . . . . .	51, 164
of sloop Greyhound to Annapolis, . . . . .	222
fishing, from Marblehead, . . . . .	632

W.

**WAGES.**

of master and companies on :

sloop George, . . . . .	10
sloop Merry Meeting, . . . . .	31, 87
sloop Loyal Heart, . . . . .	60
sloop Dragon, . . . . .	61
sloop Susannah, . . . . .	61
sloop Endeavor, . . 179, 257, 336, 386, 432, 494, 513	
sloop Greyhound, . . . . .	222

of living officers or soldiers, . 15, 19, 20 <i>ter</i> , 24, 25, 26, 29, 30, 38 <i>bis</i> , 40, 49, 60, 61, 62, 64, 71, 72, 75, 76, 81 <i>bis</i> , 82, 83, 85, 90, 95, 98, 101, 106 <i>bis</i> , 114, 123, 139, 152, 161, 174, 175, 183, 190, 191, 194, 198, 199, 229, 244, 245, 248, 268, 318, 319, 320, 333, 337, 338, 339, 341, 380, 381, 383, 386, 396, 400, 409, 410, 414 <i>bis</i> , 420, 424, 432, 448, 450, 457, 460, 492, 495, 497, 501, 507, 509, 512, 513, 533, 571	
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

of soldiers :

deceased :	
allowed widow, . . . . .	26
allowed legal representatives, . . . . .	115, 497
allowed to defray funeral expenses, . . . . .	555
withheld, . . . . .	569
due John Smith, . . . . .	29

**WAGES — continued.**

due Samuel Barnard, jr., . . . . .	29
of watchmen at powder-house, 10, 140, 302, 409, 478, 495	
due interpreter, . . . . .	30
wrongfully withheld, . . . . .	40
due surgeon in the eastern frontiers, . . . . .	42, 86
of deserters not sufficient to cover value of arms, 51	
of chaplain omitted on muster-roll, . . . . .	97
of soldiers omitted on muster-roll, . . . . .	97, 115, 206
of sentinels omitted on muster-rolls, . . . . .	114, 174
of soldiers to be stopped on muster-roll on account of overpay on the last muster-roll, . . . . .	162
of corporal omitted on muster-roll, . . . . .	196
due soldier, . . . . .	163
of certain soldiers to be paid to Capt. Samuel Hinks, . . . . .	195
of servants, . . . . .	199, 245, 304
of Capt. William Woodside :	
part of, to be paid to two Indians, . . . . .	248
balance of :	
to be detained, . . . . .	248
to be paid, . . . . .	340
of Capt. Joseph Kellogg and company in journey to Canada, . . . . .	331

**WAGES — continued.**

of Abraham Johnson allowed, . . . . .	338
allowed Capt. Benjamin Larrabee per month, . . . . .	341
of Joshua Almy to be stopped in the sheriff's hands, . . . . .	375
allowed negro servant at Castle William, . . . . .	792

**WAITERS.**

attending the Lieut. Governor at the ratification of the treaty : . . . . .	
allowance to, . . . . .	191, 205, 209
Enoch Wiswall, . . . . .	205

**WAMESIT (PURCHASE) OR WIN-  
THROP'S FARM.**

inhabitants of, to be annexed to Chelmsford, . . . . .	28
petition for proprietors of, to be a separate pre- cinct, . . . . .	309
appointment of committee in place of another, . . . . .	373

**WAR.** (*See* Billeting Soldiers, Captives, Castle  
William, Eastern Frontiers, Expresses,  
Ferriage, Fort Dummer, Fort George,  
Fort Mary, Fort at Richmond, Guns, Im-  
pressment, Indians, Medical Services,  
Medicine, Muster-rolls, Physicians and  
Surgeons, Pigwacket Fight, Pilots, Pris-  
oners, Provisions, Rewards, Ships, Sloops,  
Soldiers, Sailors or Men at Sea, Supplies,  
Transports, Vessels, Volunteers, Voy-  
ages, Wages, Whale-boats.)

support and maintenance of. ( <i>See</i> Bills of Credit, Emission of.) . . . . .	
allowance for horse impressed, . . . . .	14
wounded in : . . . . .	
allowance to James Ross, . . . . .	14
allowance to Zachariah Trescott, . . . . .	15
allowance to Dr. George Pemberton, . . . . .	21
allowance to Eleazer Rogers, . . . . .	55
allowance to Andrew Anderson, . . . . .	57, 157, 225
allowance to Enoch Hall, . . . . .	99
allowance to Thomas White, . . . . .	124
allowance to Robert Wilson, . . . . .	125, 232, 436, 556
allowance to Lieut. Joseph Dimmock, . . . . .	148
allowance to Richard Cutt, . . . . .	154
allowance to Cornelius Hall, . . . . .	163, 322
allowance to Hugh Pike, . . . . .	221
allowance to William Jeffry, . . . . .	234, 552
allowance to Joseph Pierce, . . . . .	254

Indians wounded in : . . . . .	
allowance to Thomas Hallet for, . . . . .	22
allowance to Nathaniel Donnel for, . . . . .	54

Indians died in service, . . . . .	79
sickness caused by : . . . . .	

allowance to John Woodbridge for sickness of soldier, . . . . .	58
--------------------------------------------------------------------	----

died from : . . . . .	
Capt. Seth Wyman, . . . . .	102
Capt. John White, . . . . .	245

injured in : . . . . .	
allowance to John Malcolm, . . . . .	214

killed in : . . . . .	
Rev. Joseph Willard, . . . . .	433
Maj. William Tyng, . . . . .	561

**nursing soldiers :**

allowance to Jane Hall for, . . . . .	94
---------------------------------------	----

**attendance upon sick or wounded soldiers :**

allowance to Dr. William Davis, . . . . .	18
allowance to Dr. Thomas Bulfinch, . . . . .	18
allowance to Dr. Thomas Alden, . . . . .	37
allowance to Dr. Zabdiel Boylstone, . . . . .	125, 232
allowance to Dr. George Jackson, . . . . .	154
allowance to Urian Angier, who officiated as physician, . . . . .	214

**WAR — continued.**

damages by : . . . . .	
Arundel impoverished, . . . . .	16, 146
Biddeford impoverished, . . . . .	16, 145

losses by : . . . . .	
arms, . . . . .	169
gundelo, . . . . .	186
deed, . . . . .	505

**wages :**

due interpreter, . . . . .	30
land granted for services in the, 79, 151, 163, 172, 239, 250, 342, 349, 369, 505, 561 <i>bis</i> , 563, 633, 700, 719	
land granted on account of wounds received, . . . . .	223, 447
land granted for losses during the late Indian, . . . . .	681
failure to perform conditions in a deed on account of, . . . . .	230
Indian (woman) captive in the, returned to Eastern Indians, . . . . .	353
allowance for losses, expenses, etc., caused by imprisonment for services in the late Indian, . . . . .	643

**Narragansett :**

soldiers in : . . . . .	
to receive land for services, . . . . .	325
confirmation of land for, 278 <i>bis</i> , 769, 770, 771, 772	
allowance for surveying land for, . . . . .	379, 393
list of, to be taken by the committee, . . . . .	395
list of, as claimers to land, . . . . .	460
more land granted to, . . . . .	654, 673
additional list of, . . . . .	660
claim to land granted to, . . . . .	760

**Indians wounded in :**

allowance to Jethro Harry, . . . . .	327
allowance to Jabez Agamont on account of his father being wounded, . . . . .	374

**WAREHOUSE.**

allowance for hire of, . . . . .	79
rent of, . . . . .	429

**WARES.** (*See* Stationer's Wares.)**WARP.**

allowance for, . . . . .	197
--------------------------	-----

**WARRANT OFFICERS.**

at Castle William, pay of, established, . . . . .	88, 573
encouragement to, enlisting at Castle William, . . . . .	88

**WARRANTS.**

for calling a town meeting at Framingham null and void, . . . . .	213
for calling a town meeting at Medford null and void, . . . . .	263
expense of serving a special warrant, . . . . .	452

**WARRANTY, VOUCHER TO, . . . . . 263, 698****WASTE.** (*See* Weir.)

for the passage of fish in Ipswich River, . . . . .	639
-----------------------------------------------------	-----

**WATCHMEN.**

wages of, at powder-house, 10, 140, 302, 409, 478, 495	
--------------------------------------------------------	--

**WAX.**

receivable in payment of taxes, . . . . .	170
-------------------------------------------	-----

**WAYS.** (*See* Highways.)**WEAK-MINDED PERSONS.** (*See* In-  
sane, Infirmary and Weak-minded Persons.)**WEIGHTS AND MEASURES.**

brass and copper, either lost or mislaid, . . . . .	205
sending to England for the Winchester standard of, 205	

**WEIR.**

petition for preventing the use of the, . . . . .	522
to have a limited use of the river above and below the, . . . . .	564

**WELL.**

on Great Brewster, . . . . .	38
at Fort Mary, . . . . .	121

**WESTERN FRONTIERS**

services of companies in the, under the following commanders :	
Col. Eleazer Tyng, . . . . .	15
Lieut. William Brentnall, . . . . .	20
Capt. Josiah Willard, . . . . .	24
Capt. Samuel Wright, . . . . .	49
Capt. Samuel Willard, . . . . .	176
Lieut. Timothy Child, . . . . .	333
Lieut. John Pomroy, . . . . .	337, 383
instructions to truck-masters in the, . . . . .	660
committee to survey land for three new towns in the, . . . . .	703, 744
appointment of committee as to settling new towns in the, . . . . .	758
proposal as to building blockhouses on the, . . . . .	787
committee to view land on the, . . . . .	787

**WESTERN INDIANS.** (*See* Indians.)

**WEST INDIA GOODS.** (*See* Goods.)

**WHALE-BOATS.**

repairing, . . . . .	26, 79, 114, 247, 410
oars for, . . . . .	26, 114, 183
allowance for, . . . . .	197

**WHALEBONE.**

receivable in payment of taxes, . . . . .	170
-------------------------------------------	-----

**WHARF.**

repairs at the, at the lighthouse, Beacon Island, 38, 111	
extension of, at Castle William, . . . . .	313
allowance for building, at Castle William, . . . . .	371

**WHARFINGER.**

Alden Bass, Boston, . . . . .	784
-------------------------------	-----

**WHEAT.**

receivable in payment of taxes, . . . . .	170
-------------------------------------------	-----

**WHITEHALL FARM.**

purchased by John Wood and Elnathan Allen, . . . . .	156
------------------------------------------------------	-----

**WIDOW.**

allowance to Hannah Lovewell, to pay debts of husband, . . . . .	17
wages of Lieut. James Armstrong allowed, . . . . .	26
Frauces Wardell, petition to renew license, . . . . .	57
sale of land for support of, etc. ( <i>See</i> Power.)	
license to Judah Richards, . . . . .	203
allowance to Eunice White, . . . . .	245
petition of, for writ of review to contest an account, 258	
petition of, and others to make partition of land, . . . . .	286
allowance to Margaret Robbins, . . . . .	353
power to Susannah Scales, to reconvey land, . . . . .	375
land grant to, and children of Col. William Tailer, 654	

**WIG.**

allowance to Rowland Dyke for, . . . . .	338
------------------------------------------	-----

**WILLIAM AND MARY.**

act made in the fourth year of the reign of, . . . . .	156
--------------------------------------------------------	-----

**WILLS.**

of Richard Waters, . . . . .	23
of John Peters (an Indian), . . . . .	74
of William Webster, . . . . .	161
of Mary Alford, . . . . .	167
of Thomas Walker, . . . . .	228
of Ebenezer Lindsay, . . . . .	286
of Richard Harris, . . . . .	388, 491
of John Breed, . . . . .	425
of Justinian Holden, . . . . .	429
of Jonathan Wilson, . . . . .	503
of Benjamin Head, . . . . .	547, 604
of Mary Saltonstall, . . . . .	597
of Judah Potter, . . . . .	615
of Thomas Carter, . . . . .	634
of Jacob Winans, . . . . .	682
of Samuel Gardner, . . . . .	695
of Samuel Appleton, . . . . .	696, 734

**WILLS — continued.**

of Ezekiel Rogers :	
land devised by, for Harvard College, . . . . .	751
of John Elliot, . . . . .	753
of David Pachusus (an Indian), . . . . .	765
of James Tiedale, . . . . .	773
of Henry Dwight, . . . . .	775
of Joseph Bass, . . . . .	784
concealed or destroyed, . . . . .	784
lost, committee as to, . . . . .	794
of — Brigham, . . . . .	794

**WINCHESTER MEASURE.**

weights and measures approved according to the standard, . . . . .	205
--------------------------------------------------------------------	-----

**WINE.**

Charming Jenny exempt from impost on cargo of, 161	
allowance for, supplied :	
to regiments, . . . . .	200
to council chamber, . . . . .	200
by Joshua Fisher for Governor and others, . . . . .	358
for soldiers, . . . . .	431
brigantine Thomas and Sarah subject to impost on cargo of, . . . . .	439

**WINE COOPER.**

Henry Whitten, Boston, . . . . .	694, 754, 759, 774
----------------------------------	--------------------

**WINTER HARBOR.**

attendance upon examination of Indians at, . . . . .	74, 146
Fort Mary at. ( <i>See</i> Fort Mary.)	

**WINTHROP'S FARM.** (*See* Wamesit Purchase or Winthrop's Farm.)

**WITNESSES.**

allowance for expense of, summoned, . . . . .	27
expense of, to appear at a trial at York, . . . . .	32
expense of, against Joseph Quasson, . . . . .	42
allowance for expense of carrying Indian, from Plymouth to York, . . . . .	54
to be bound over to appear at the trial, . . . . .	167
expense of, attending the committee on Turkey Hills, . . . . .	342
sent to England as, in a case of piracy, . . . . .	415
committee to examine, . . . . .	605
testimony of, taken de bene because of illness, . . . . .	791
to deeds :	
wrongful swearing of, . . . . .	236

**WOOD.** (*See* Braziletto Wood.)

for garrison at Fort George, Brunswick, . . . . .	25, 27, 183, 320, 513
on Shewamet ministerial lands, . . . . .	44
for garrison at Fort Mary, . . . . .	101, 139, 175, 514
for garrison at Fort Dummer, . . . . .	152
hauling, at Fort George, . . . . .	247
transportation of, to Fort Mary, . . . . .	341
for truck-house on Saco River, . . . . .	507
allowance to Simon Rogers for, . . . . .	527

**WOODS.**

soldier burnt by fire in the, . . . . .	556
-----------------------------------------	-----

**WORCESTER COUNTY.**

justices of :	
power to, to try case by jury, . . . . .	763
three new towns to be in, . . . . .	782

**WRIT OF REPLEVIN.** (*See* Replevin, Writ of.)

**WRIT OF REVIEW.** (*See* Review, Action or Writ of.)

**WRITING.**

allowance to :	
Joseph Marion for, . . . . .	49, 66, 121, 181, 265, 287, 335, 390, 457, 495
Benjamin Rolfe for, . . . . .	50, 121, 181, 213, 270, 280, 329, 390, 461

**WRITING**—*continued.*

allowance to— <i>continued.</i>	
Samuel Tyley for, . . . .	121, 180, 270, 287, 340
John Wainwright for, . . . .	518
Capt. — Goddard for, . . . .	518

**WRITS.** (*See* Ejectment, Review, Trespass.)

expense of, for calling the General Assembly, . . . .	21, 164, 253, 281, 314
seire facias, . . . . .	107, 167 <i>bis</i> , 680
for recovery of certain land abated by judgment, . . . .	247

**Y.****YARD.**

in front of truck-house on Saco River, . . . .	464
to be fenced with timber, . . . .	464

**YORK COUNTY.**

treasurer's accounts of. ( <i>See</i> County Treasurers.)	
sheriff of:	
allowance to, for horse impressed, . . . .	14
power to justices of:	
to hear and determine an appeal, . . . .	31
to grant licenses, . . . . .	67, 94, 356, 456, 607
to renew license, . . . . .	350
to hear and try case, . . . . .	698
allowance for charges on witnesses ordered to, . . . .	32
no settlements in, east of North Yarmouth and Casco Bay, . . . . .	62
Jeremiah Moulton, sheriff:	
allowance for subsisting Indian prisoners, . . . .	63, 551
innkeepers in, . . . . .	67, 94, 356, 456, 607
land granted in, for services, . . . . .	70, 163, 172, 239, 250, 342, 349

**YORK COUNTY**—*continued.*

guard at Scarborough for defence against the Indians, . . . . .	91
selling liquor to Indians at the ratification of the treaty, . . . . .	107
courts of, adjourned, . . . . .	167
guard to be raised in, . . . . .	173
muster-roll of guard to Lieut. Governor in, . . . .	190
more time allowed for survey of land in, laid out to Capt. Jeremiah Moulton, . . . . .	280
confirmation of land in, . . . . .	473, 502
counterpart of deed to be recorded in, . . . . .	505
power to judge of, to order a new division of land, . . . . .	590
collector of excise in:	
removal of, from office, . . . . .	615
John Tyng, . . . . .	703
to give bond to the Province Treasurer, . . . . .	703
enlisting men in, as a guard to the Governor, . . . .	670
committee for settling new town at the head of Berwick in, . . . . .	758







